



An
Bord
Pleanála

Inspector's Report

ABP-316176-23

Development	208 no. social and affordable housing apartments and associated site works.
Location	Carlisle, Kimmage Road West, Terenure, Dublin 12. (www.carlislelrd.ie)
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	LRD6018/22-S3
Applicant(s)	1 Terenure Land Limited
Type of Application	Large-Scale Residential Development
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Elizabeth O'Callaghan Kimmage Dublin Residents Alliance
Observer(s)	Recorders Residents Association

Date of Site Inspection

17th May 2023

Inspector

Paul O'Brien

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Pre-Application Opinion	7
4.0 Planning Authority Decision	7
5.0 Planning History.....	10
6.0 Policy Context.....	10
7.0 The Appeal	16
8.0 Assessment	26
10.0 Recommendation	65
11.0 Reasons and Considerations	65
12.0 Recommended Draft Order	66
13.0 Conditions	70

1.0 Site Location and Description

- 1.1. The subject site with a stated net area of 1.25 hectares (gross site area is 2.34 hectares), comprises lands to the north of the Kimmage Road West, Terenure, Dublin 12. The site is located to the rear of a 'Ben Dunne' gym that is itself located behind a row of semi-detached houses that address the public road. The development site is 'L' Shaped with the long section on a north west to south east axis and a shorter section going from north east to south west, to the eastern side of the site. A short cul-de-sac provides access to the gym and in turn this will provide access to the subject site.
- 1.2. The surrounding lands are primarily in residential use, to the north are terraced, two-storey houses on Captains Road, to the east are a mix of two/ three storey terraced houses in Brookfield Green, and to the west are semi-detached houses in Park Crescent. The surface car parking associated with the gym is located to the south of the site.
- 1.3. There is a gentle stope from the north eastern and south eastern boundaries upwards towards the centre of the site, and the majority of the site is under grass. Site boundaries consist of a mix of fences, hedges and trees located to the rear of the adjoining houses. Palisade fencing provides the boundary fence with the gym site.
- 1.4. A variety of bus routes serve the area and I have summarised them in the following table:

Route (operated by):	Location/ Distance from site:	From	To	Frequency – Off Peak
9 (Dublin Bus)	Kimmage Road West – 270 m from the site	Limekiln Farm	Charlestown via City Centre	Every 12 minutes.
15A (Dublin Bus)	Kimmage Road West – 270 m from the site	Limekiln Farm	Merrion Square	Every 20 minutes.
17 (Go-Ahead Ireland)	Kimmage Road West – 270 m from the site	Blackrock DART Station	Rialto	Every 20 minutes.

17D (Go-Ahead Ireland)	Kimmage Road West – 270 m from the site	Dundrum Luas	Rialto	First and last buses of the day only – forms part of the overall route 17 timetable.
54A (Dublin Bus)	Kimmage Road Lower – circa 540 m from the site.	Kiltipper	Pearse Street	Every 30 minutes.
83/ 83A (Dublin Bus)	Stannaway Avenue – circa 900 m from the site.	Kimmage	Harristown via the City Centre	Every 12 minutes.

- 1.5. Under Bus Connects, Spine Routes F2 and F3 will serve Kimmage Road West and provide for a combined frequency of every 7.5 minutes off peak and every 5 minutes in the peaks. F1 combines on the Kimmage Road Lower providing a combined service of at least every 5 minutes off peak. These routes operate from Charlestown via the City Centre and on to either Tallaght (F1), Templeogue (F2) and Greenhills (F3). Orbital Route S4 provides a connection between Liffey Valley and UCD on a 10-minute frequency. Route 81 provides a connection between Greenhills and Ringsend on a frequency of every 15/ 20 minutes.

2.0 Proposed Development

- 2.1. The proposal, as per the submitted public notices, comprises the construction of 5 no. blocks (blocks 4 and 5 linked throughout), ranging in height from 4 storeys up to 6 storeys. The development will provide 208 no. residential units (104 no. 1 beds and 104 no. 2 beds). All the residential units have private balconies/ terraces.
- 2.2. The following tables set out some key elements of the proposed development:

Table 1: Key Figures

Gross Site Area	2.43 hectares
Net Site Area	1.25 hectares
Site Coverage	43.19%

Plot Ratio	1.64:1
No. of Houses	0
No. of Apartments	208
Total	208
Density –	166.4 units per hectare
Public Open Space Provision	1,261 sq m – 10.1%
Communal Open Space	1,619 sq m
Car Parking –	
Apartments/ Residents	82
EV Parking	12
Visitor/ Unallocated Parking	6
Total	100
Bicycle Parking –	
Residents Standard	336
Residents Cargo Bike	16
Visitor Standard	120
Visitor Car Bike	12
Total	484
Motorcycle Parking	6

Table 2: Unit Mix

Block	Bedrooms		Total
	1 Bed	2 Beds	
1	17	29	46
2	23	25	48
3	20	26	46
4	24	14	38
5	20	10	30
Total	104 – 50%	104 – 50%	208 – 100%

- 2.3. The total internal gross floor area is stated to be 20,551 sq m and the building footprint is stated to be 5,390 sq m.
- 2.4. The proposed vehicular access is from the northern end of the existing access to the gym and the associated car parking area. No new access to the public road is therefore proposed. Water supply and foul drainage connections to the existing public network will be provided.
- 2.5. Public open space is proposed to the south east of the site and three separate communal open space areas are proposed, one each between Blocks 1 and 2 and Blocks 2 and 3 and another to the south east of Block 5.

3.0 Planning Authority Pre-Application Opinion

3.1. A LRD/ Section 247 Consultation Meeting took place on the 19th of October 2022 between representatives of the applicant and Planning Authority, Dublin City Council.

3.2. The following issues were identified during the meeting:

- The proposed development would be the same as that of the approved SHD under Ref ABP-303043-22. Differences relate to the removal of second ensuite bathrooms, provision of additional storage and other minor changes. A housing body, Co-operative Housing Ireland, will take over the entire development. The mix will be 50% one-bedroom units and 50% two-bedroom units. No material changes are proposed to the elevations of the proposed apartment blocks.
- Applicant intends to update the Daylight/ Sunlight assessment.
- DCC were concerned about the number of amendments to SHD that were coming through the LRD process.
- DCC advised that the development should be in compliance with the new development plan that was due to come into effect in December 2022.

4.0 Planning Authority Decision

4.1. **Decision**

The Planning Authority decided to grant permission subject to conditions, following the receipt of further information in relation to drainage. Conditions are generally standard, though the following are noted:

Condition 5. All elevations to be finished in brick or similar but not use self-coloured render. Final details to be agreed with the Planning Authority.

Condition 11. Revisions to the existing junction between the site and Kimmage Road West, internal road to be 5.5 m in width, and details on car parking provision.

Condition 13: Archaeological details.

Condition 18: Drainage details.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The Planning report reflects the decision to grant permission subject to conditions. Further information was sought by the Planning Authority in relation to surface water drainage and details on the Site-Specific Flood Risk Assessment. The applicant responded to these requests and the Planning Authority considered that the proposed development was acceptable. The Planning Authority noted that the development was similar to that approved under Ref. ABP. 313043-22 and the main difference was that the development was to be managed by a housing body and be 100% social and affordable housing. Minor internal alterations to the units were proposed. The Planning Authority reported that the 'The heights and quantum of development are considered to be appropriate at this location within an established residential area of Kimmage'.

4.2.2. Other Technical Reports

- Air Quality & Noise Control Unit: No objection subject to recommended conditions in relation to the provision of a Construction Management Plan, hours of work and noise control of plant associated with the proposed development.
- Drainage Division: Development is not recommended as the design is contrary to policies set out in the Development Plan in relation to surface water management.

Following the receipt of further information, the division reported no objection to the development subject to recommendation conditions.

- Archaeology Section: No objection subject to recommended conditions.
- Transportation Planning Division: No objection subject to recommended conditions.

4.2.3. **Prescribed Bodies**

- None received.

4.2.4. **Third Party Observations**

A total of 46 letters of objection were received to the original. Issues raised are similar to those in the grounds of appeal and in summary they include:

- The proposed development would be out of character with the established form of development in the area, in terms of height, scale, density and design.
- Need for family sized houses in the area.
- Shortfall in open space and play areas, and the proposed site landscaping would not be sufficient.
- The proposed development would adversely impact existing residential amenity in terms of overlooking leading to a loss of privacy and overshadowing leading to a loss of daylight.
- Noise and pollution from the proposed car parking and waste storage areas.
- The development would have negative impacts on existing infrastructure in the area in terms of overloading the foul drainage system.
- Concern about the impact on surface water drainage and the potential for flooding in the area.
- Lack of childcare in the area. Need for additional facilities to serve this 50% social/ 50% affordable housing scheme.
- EIA screening is inadequate, and the development would have a negative impact on biodiversity.

- Concern about traffic and congestion that may arise from this development.
- Insufficient car parking is provided to serve this development.
- The proposed development does not allow for units that can be changed in line with demand in the future for different uses.
- The development should be considered de novo and the SHD under judicial review should not be taken into consideration.
- The proposed units are too small/ are not suitable for use.
- Negative impact on neighbouring properties due to the potential use of solar panels.
- Legal/ procedural issues over land ownership.

5.0 Planning History

ABP Ref. 313043 refers to a September 2022 decision to grant permission for a SHD development of 208 residential units in five blocks and all associated site works on the subject site. This decision is currently subject to Judicial Review.

PA Ref. 2963/07 refers to a November 2007 decision to grant permission for the change of use of an existing building from sports clubhouse into a new refurbished art gallery at Carlisle Gallery. This development included 74 no. new parking spaces and associated site works and landscaping. Access to the site is via the Carlisle Fitness Club laneway.

PA Ref. 4292/05 refers to a June 2006 decision to grant permission for retention of an extension to the car park and for reconfiguration of the car park layout and amended vehicular access at Carlisle fitness club, previous planning permission ref. 4225/00.

6.0 Policy Context

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled 'Making Stronger Urban Places' and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being'.
- National Planning Objective 11 provides that 'In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth'.
- National Planning Objective 13 provides that "In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected".

Chapter 6 of the NPF is entitled 'People, Homes and Communities' and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to 'Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages'.
- National Policy Objective 33 seeks to 'Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location'.

- National Policy Objective 35 seeks 'To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'.

6.1.2. **Section 28 Ministerial Guidelines**

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHPLG, 2022).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (DoEHLG, 2009).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).

Other Relevant Policy Documents include:

- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Permeability Best Practice Guide – National Transport Authority.

6.2. **Regional Policy**

6.2.1. **Regional Spatial and Economic Strategy (RSES) 2019 – 2031**

The Eastern & Midland Regional Assembly 'Regional Spatial & Economic Strategy 2019-2031' provides for the development of nine counties including Dublin City and supports the implementation of the National Development Plan (NDP).

6.3. Local/ County Policy

6.3.1. Dublin City Development Plan 2022 - 2028

The Dublin City Development Plan 2022 - 2028 is the current statutory plan for Dublin City, including the subject site. The site is zoned Z1 – Sustainable Residential Neighbourhoods with the objective: ‘To protect, provide and improve residential amenities’.

A list of permissible uses includes residential, childcare facility, community facility and open space.

A very small section of the site is zoned Z10 – Inner Suburban and Inner City Sustainable Mixed-Uses. This relates to the access to the site.

The policy chapters, especially Chapters 5 – Quality Housing and Sustainable Neighbourhoods, detailing the policies and objectives for residential development, making good neighbourhoods and standards respectively, are to be consulted to inform any proposed residential development.

Policy QHSN10 of the development plan promotes sustainable densities in accordance with the Core Strategy, in particular on vacant and/ or underutilised sites.

Policy QHSN11 seeks ‘To promote the realisation of the 15-minute city which provides for liveable, sustainable urban neighbourhoods and villages throughout the city that deliver healthy placemaking, high quality housing and well designed, intergenerational and accessible, safe and inclusive public spaces served by local services, amenities, sports facilities and sustainable modes of public and accessible transport where feasible’.

The following are also considered relevant:

- Policy QHSN36 – promote the development of high-quality apartments and sustainable neighbourhoods with suitable supporting infrastructure/ facilities to be provided.
- Policy QHSN38 – encourage a greater mix of housing types.
- Policy QHSN48 – Need for a Community and Social Audit for all developments in excess of 50 units.

- Objective QHSN015 – Need for a Community Safety Strategy for all developments in excess of 100 units.

Chapter 8 refers to Sustainable Movement and Transport and Chapter 10 refers to Green Infrastructure and Recreation.

Chapter 15 refers to Development Standards. Documents to be provided in support of applications in terms of thresholds is provided in Table 15-1. The issues of Height and Plot Ratio are addressed in Appendix 3. Increased density is to be supported where this can be demonstrated to be appropriate.

Section 15.8 refers to Residential Development. A number of sections are highlighted here:

- Public Realm is addressed under Section 15.8.5.
- Public open space to be provided at 10% minimum of the Site Area for Z14 zoned lands (Table 15-4).

Section 15.9 refers to Apartment Standards.

- Unit mix is covered under Section 15.9.1 and states:

‘Specific Planning Policy Requirement 1 states that housing developments may include up to 50% one bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms unless specified as a result of a Housing Need and Demand Assessment (HNDA) carried out by the Planning Authority as part of the development plan process’.

- Unit Size/ Layout is addressed under Section 15.9.2 and Table 15-5.
- Dual Aspect units under Section 15.9.3. Inset balconies with two internal elevations do not provide for dual aspect units or where facing walls are deemed to be too close.
- Communal Amenity Space under Section 15.9.8
- Microclimate under Section 15.9.16
- Daylight and Sunlight under Section 15.9.16.1, Wind under Section 15.9.16.2 and Noise under Section 15.9.16.3

Transport and Mobility: Technical Requirements are provided in Appendix 5.

Volume 2 of the City Plan provides the Appendices and Appendix 1 – Housing Strategy, Appendix 3 – Achieving Sustainable Compact Growth, Appendix 5 – Transport and Mobility: Technical Requirements, Appendix 13: Surface Water Management Guidance and Appendix 16: Sunlight and Daylight are noted as most relevant to this development.

Appendix 3 includes a Height and Density Strategy for Dublin City and I note the following:

‘The Building Height Guidelines note that general building heights of at least three to four storeys, coupled with appropriate density in locations outside what is defined as city centre, and which would include suburban areas, must be supported in principle at development plan level. The guidance also states that within the canal ring in Dublin, it would be appropriate to support the consideration of building heights of at least 6 storeys at street level as the default objective, subject to keeping open the scope to consider even greater building heights by the application of certain criteria.

In considering locations for greater height and density, all schemes must have regard to the local prevailing context within which they are situated. This is particularly important in the lower scaled areas of the city where broader consideration must be given to potential impacts such as overshadowing and overlooking, as well as the visual, functional, environmental and cumulative impacts of increased building height.

As a general rule, the development of innovative, mixed use development that includes buildings of between 5 and 8 storeys, including family apartments and duplexes is promoted in the key areas identified below. Greater heights may be considered in certain circumstances depending on the site’s location and context and subject to assessment against the performance based criteria set out in Table 3’.

The development plan outlined the key criteria for increased height in Table 3 of Appendix 3.

The development plan addresses Density under Section 3.2. The Outer Suburbs have a Net Density Range of 60 – 120 units per hectare. Table 2 provides ‘Indicative Plot Ratio and Site Coverage’ and ‘Outer Employment and Residential Area’ have an indicative plot ratio of 1.0 - 2.5 and an indicative site coverage of 45 – 60%.

Transport and Mobility is addressed within Appendix 5. Car Parking and Cycle Management is detailed under section 2.5. Table 1 provides 'Bicycle Parking Standards for Various Lane Uses' and Table 2 provides 'Maximum Car Parking Standards for Various Land Uses'.

6.4. **Natural Heritage Designations**

None.

7.0 **The Appeal**

7.1. Grounds of Appeal

Third Party appeals have been received in respects of Dublin City Council's recommended decision to grant permission for 208 social and affordable apartment units at 'Carlisle', Kimmage Road West, Kimmage, Dublin 12. Two appeals have been received, one from Elizabeth O'Callaghan and the other from the Kimmage Dublin Residents Alliance (KDRA) prepared by Marston Planning Consultancy.

The following issues, summarised, have been raised in these appeals:

Elizabeth O'Callaghan:

- General comment that the site provides an opportunity to develop a high-quality housing development that would integrate with the existing area. There are many errors and flaws with the proposed development as submitted.
- Refers to the approved SHD development under ABP Ref. 313043-22 that is now subject to Judicial Reviews. The proposed development is almost the same as this one with only minor alterations proposed.
- A new Dublin City Development Plan has been adopted and the subject development should be assessed de novo and not rely on the approved development.
- The proposed development does not have regard to the future development of the Ben Dunne Carlisle Gym which may be proposed for redevelopment in the future. This gym site has been zoned R10 – Mixed Residential under the Dublin City Development Plan 2022 – 2028. The proposed development may limit the

development potential of the adjoining site and it is considered that a masterplan should be prepared for the overall lands here.

- The application site is within the administrative areas of Dublin City Council and South Dublin County Council and as such, the appellant considers that the application should have been made to both planning authorities.
- Legal issue over landownership and to the extent that Ben Dunne Gyms own the accessway to the site.
- The proposed density at 166.4 units per hectare is significantly different to that of the surrounding area which is 10 – 20 units per hectare. The density is not in keeping with that specified in the Dublin City Development Plan and would give rise to a material contravention of the plan.
- The proposed heights at six storeys are out of character with the existing area. The applicant has not provided details on the existing bus capacity in the area. Reference is made to buses been full in the area in the morning peak.
- The proposed unit mix of one- and two-bedroom units is not acceptable. It is noted that many of the houses on Captains Road are two-bedroom units. The proposed development should have included the provision of three-bedroom units.
- The area has been impacted by flooding in the past and a decision is awaited on the Poddle Flood Alleviation Scheme. The majority of the site is located within Flood Zone C, though parts of the site are within Zone A. Further comment is made on the report of Dublin City Council and also on the need for the flood alleviation scheme. Concern that the proposed development may increase the risk of flooding in the area.
- The proposed development would impact on childcare and schools in the area. Demand would be increased through this development and no specific childcare is proposed as part of this development. There is a shortage of school places in the area.
- The proposed development does not provide for adequate car parking. Only 100 spaces are proposed to serve this development. A total of 484 bicycle parking spaces are proposed, however there are no cycle lanes near to the site. Concern that off-site parking will increase in the immediate area.

- Potential for increase in traffic in the area and negative impacts to the adjoining road network.
- The development provides for a long cul-de-sac and insufficient passive surveillance.
- The development would be overbearing on the adjoining area.
- The proposed development does not adequately address issues of overlooking of adjoining properties.
- A number of errors/ queries are identified in the submitted Daylight and Sunlight analysis. Overall, the development would provide for a poor level of residential amenity.
- The proposed floor to ceiling heights are under the requirements of the apartment guidelines.
- No community support facilities as part of the proposed development.
- The design is monotonous and does not provide for a high quality of architectural design.
- The EIA Screening report is incomplete with no winter bird survey provided and the bat study is limited in its scope.
- The Building Life-Cycle report is limited.

Requests that the proposed development be refused permission.

Kimmage Dublin Residents Alliance (KDRA) Prepared by Marston Planning Consultancy

- General comment about the scale of the proposal and it would lead to overdevelopment of this restricted site in terms of availability of public transport. Notes that part of the site is within the South Dublin County Council area and reference is made to other applications which have been refused permission as the development was outside of the functional area that the permission was applied for.

- Failure to adequately demonstrate the separation distance between the rear of the development and the existing houses on Captain's Road, as some of the houses here have been extended to their rear.
- Issue of on-street parking in the immediate area due to a restriction on the height of vehicular that is allowed to enter the gym car park.
- The permitted SHD under ABP Ref. 313043-22 is subject to judicial review and the subject development is very similar to that proposal. Reference is made to other applications in the area that have been refused permission.
- The proposed apartment blocks are out of character with the existing form of development in the area and would negatively impact on residential amenity in terms of overlooking leading to a loss of privacy.
- The design of the apartments is such that they will only have a 7.5 m wide gap between the blocks. This will appear monotonous when viewed from certain angles.
- Shortfall in car parking provision and no visitor parking has been proposed.
- There is poor cycle infrastructure in the area even though the development provides for 484 bicycle parking spaces.
- The submitted DMURS statement is deficient, and the conditions applied by the Planning Authority are not sufficient to address these issues.
- Concern about potential flooding issues.

The development is appealed for the following reasons:

- The proposed development provides for an excessive density and materially contravenes the Dublin City Development Plan 2022 – 2028. The subject site is less accessible than the site refused permission at Terenure College. Reference is made to the accessibility of the site to the bus stop on the Kimmage Road West and which is served by approximately nine buses an hour.
- Insufficient information has been provided on available bus capacity serving this area.
- The lack of car parking will put additional strain on public transport in the area. The site is within Zone 2 of the car parking standards set out in the Dublin City

Development Plan and for which there should be one car parking space per apartment at a minimum. Only 100 spaces are proposed.

- Concern that the development does not adequately demonstrate compliance with DMURS requirements.
- The proposed development will provide for an excessive height in this area of mostly two storey houses.
- The development is contrary to Policy SC17 as it fails to contribute to the character of the area.
- The appellant has assessed the development against the criteria outlined in SPPR3.
- The proposed development will provide for inadequate open space to serve the future residents of this development.
- Potential overlooking through the use of podium level communal open space, and through the proximity of the proposed units to existing units in the area.
- Issues raised in relation to connection to the public water supply, the provision of suitable foul drainage and potential flooding.
- Query over the robustness of the submitted EIAR Screening and the suitability of biodiversity assessments.
- The proposed development would have a negative impact on the value of property in the area.

In conclusion it is requested that the proposed development be refused permission. A petition with 108 signatures is attached with this appeal statement.

7.2. **Applicant Response**

7.3. McGill Planning were engaged by the applicant to prepare a response to the submitted appeals. A detailed submission was provided in response to 13 specific items that were raised, and the following comments are made, in summary.

7.4. The planning reports of Dublin City Council are noted, and the proposed development was considered to be consistent with the objectives of the Dublin City Development

Plan 2022 – 2028. The development is located in a suitable location for a proposal of this nature. The proposed density is acceptable to Dublin City, and the area is considered to be served by suitable public transport. Height and building design are also considered to be acceptable to Dublin City Council.

7.5. Response to 3rd Party Appeal: The appeal is addressed under 13 separate headings, and I have summarised the applicant’s response under each of these:

1. Density: The appellants consider the density at 166.4 units per hectare to be excessive in an area with a net density range of 60 – 120 units per hectare. In response the applicant refers to national policy to increase densities in suitable locations and the Dublin City Development Plan also promotes the development of sites at a suitable density appropriate to its location. There is no target or maximum density, and developments have regard to specified criteria. The applicant considers the proposed development in the context of the Dublin City Development Plan 2022 – 2028 and the promotion of compact growth/ increased densities. Guidance on density is provided in Appendix 3 of the development plan and Table 1 provides information on net density ranges. The applicant considers that these are a general rule but are not a policy objective. The area is served by frequent public transport, and which has available capacity. In conclusion, the applicant notes that there is no maximum density for these lands and that density is set by meeting the criteria provided in Table 3 of appendix 3.
2. Building Height and Massing: The appellants raise concern about the proposed height of the development and that it does not comply with the requirements of Table 3 of Appendix 3 of the Dublin City Development Plan. The applicant responds that the proposed development has been carefully considered in the context of impact on the neighbouring sites. Daylight/ Sunlight assessments have been undertaken and the development has been adjusted in response. The proposed development is described by the applicant, with reference as to how the mass/ bulk and scale is broken up in response to potential impact on adjoining sites. In conclusion, the applicant considers that the proposed buildings are suitable for this location and the proposed height/ density maximises the use of this site.

3. **Inadequate Open Space:** The appellants have queried the quantum and the quality of the proposed open space – public and communal. The applicant has responded that 1,261 sq m of public open space, 10.1% of the site area is proposed and is in accordance with the requirements of the Dublin City Development Plan 2022 – 2028. A rationale for the open space is set out in the appeal response. In terms of communal open space, 1,619 sq m is proposed or 29.7% of the overall site area; this exceeds the requirements of the development plan by 371 sq m. Full details of these spaces are provided. In conclusion, sufficient public and communal open space is provided for, and which will provide for high quality amenity. The open space and access road enable it to be incorporated with the Art Gallery if required in the future.
4. **Design and Layout:** Concerns were raised about the architectural design, the layout, floor to ceiling heights and inclusion of cul-de-sacs. The applicant has rejected these comments, the design is in accordance with the apartment guidelines, the design is suitable for this location, cul-de-sacs are necessary due to the layout of the site and the adjoining sites are in residential use. The development meets all relevant requirements.
5. **Overlooking:** The design has been carefully considered to address issues of overlooking. The applicant has submitted drawings and plans that indicate what the separation distances are between the proposed development and the existing houses on adjoining sites. It is reported that some of the adjoining houses have been extended, thereby reducing the separation distance. Reference is made to No.114 Captains Road where this house has been extended to the rear and the separation distance would be 21.6 m, just under the standard of 22 m.

Photomontages have been provided in support of the application to demonstrate how the development will impact on the visual amenity of the area. Reference is made to the Inspector's report under ABP Ref. 313043 and the issue of overlooking. In addition to the provision of suitable separation distances, other measures such as the fitting of opaque glazing will be utilised to address potential overlooking issues. Overall, the applicant is satisfied that overlooking leading to a loss of privacy will not arise as an issue of concern.

6. Unit Mix: It is recommended that the unit mix be revised to provide for more three-bedroom apartments. The proposed development is not a speculative scheme and the development has been submitted with the support of Co-Operative Housing Ireland (CHI) and has been designed to meet their requirements. Supporting documentation has been provided by the applicant in their response. The surrounding area is mostly two storey, three and four bedroom houses and the proposed development provides for a different form of housing in the area.
7. Redline Area and Land Ownership: Two issues are raised here in relation to the area of the site extending into the South Dublin County Council area and also crossover to the boundary with the gym and the Nora Dunne Gallery. Confirmation provided that the Ben Dunne Gym own the Nora Dunne Gallery lands and as a legal matter, this is not a planning issue in the context of Section 34(13) of the Planning and Development Act 2000 as amended. As regards the extension of the development into the South Dublin County Council Area, this only refers to upgrades to Uisce Éireann networks, all works that the applicant proposes will be within the Dublin City area. Works to the public foul drainage and water supply networks will be carried out by Uisce Éireann and confirmation has been received from South Dublin County Council on this. In addition, supporting documentation has been provided by the applicant in relation to what works may be required.
8. Concerns about the assessments: Concerns were raised about the childcare assessment, building life cycle report, Ecological Impact Assessment (EclA) and the Environmental Impact Assessment (EIA) submitted in support of the application. The applicant has provided a response in relation to each of these assessments and these have been reviewed by the relevant authors of these reports. The EclA confirms that the site is not suitable for wintering birds and the distance from Dublin Bay makes it unsuitable as a habitable for such birds. This is confirmed by other information, and it is noted that the appellants have not provided any contrary evidence. Similarly with bats, there is no evidence of them in the area and the site is of low value for commuting bats. No structures are to be removed, therefore there would be no impact to bat roosts. An EIA Screening report has been reported and concludes that a full EIAR is not required.

A Building Life Cycle report has been prepared and submitted in support of the application. A childcare/ creche assessment has been undertaken and no facility

is proposed as part of this development. 20 facilities were identified in the area of which 12 are within 1 km of the site. A Social and Community Infrastructure Audit has been prepared and found that the area is well provided for in this regard.

9. The application should be assessed De Novo in the context of the new Development Plan: Concern about the how the application has been assessed by the Planning Authority. The previous SHD application is currently subject to Judicial Review. The PA report refers to the current Dublin City Development Plan 2022 – 2028 and the applicant therefore assumes that the development was assessed in accordance with this. The applicant reports that if the previous application is quashed by JR then it is their opinion that ‘it will not be on planning merits or principle of the development’.
10. Masterplan: Need for a masterplan to ensure the comprehensive development of the site and adjoining lands. There is no requirement for this this and the adjoining lands are not within the control of the applicant. The submitted Architectural Design Statement demonstrates howe the development will integrate with its surroundings. Full details are included on the open space strategy and how it will be accessible for proposed and future users.
11. Daylight and Sunlight: Concerns were raised about the methods used in these assessments. IN2 Consulting have responded and refute the items raised by the appellants. The assessments were carried out in in accordance with BR.209 Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 2022. It is also reported that IN2 consider that Dublin City Council interpreted the Sunlight and Daylight report correctly.
12. Traffic Items: Concerns raised in relation to car parking, cycle parking, public transport, DMURS and the barriers at the entrance to the site.

Barrett Mahoney Consulting Engineers have completed a full response to these issues and which is included with the applicant’s response to the appeal. The applicant considers that all issues have been adequately addressed.
13. Flood Risk: The site is within Flood Zone C; however concern has been raised about the impact on adjoining lands that are within Flood Zone A. A response has been provided by Barrett Mahoney Consulting Engineers and in conclusion the proposed development does not give rise to increased flood risk to neighbouring

sites. Flood risk will be reduced through the use of specific SuDS features such as blue roof storage and the provision of attenuation tanks on site.

Conclusion: The applicant is satisfied that all matters raised in the appeals have been adequately addressed and request that permission be granted in line with the notification of decision to grant permission as issued by Dublin City Council. A comprehensive number of documents and supporting reports are provided, mostly by those who carried out the original assessments in support of the application lodged with Dublin City Council.

7.6. Planning Authority Response

None received.

7.7. Observations

An observation was received from the Recorder's Residents' Association and the following comments were made:

- Support the provision of residential units on this site but the proposed development does not successfully integrate with the existing character of the area.
- Concern about potential flooding that may occur as a result of the proposed development. Reference is made to a number of locations that could be impacted by flooding that may occur as a result of the proposed development. The existing surface water drainage network is not suitable for the demands generated by this development. The proposal is premature pending the implementation of the Poddle Flood Alleviation Scheme.
- Concern about the existing foul drainage system in the area, there is a need for the upgrade of this public system.
- The development would negatively impact on the residential amenity of the area.
- The proposed building heights are unacceptable and would give rise to overlooking of the houses to the rear/ north of the subject site.
- There is a need for family homes in the area and there 'is a great need to provide for 'down-sizing' options locally'.

- The proposed development may impact on the future development of the gym site.
- Concern about the shortfall in car parking provision. Potential for an increase in off-site car parking in the surrounding area.
- Public transport in the area is not adequate to service this development.
- There will continue to be a need for the private car and its associated car parking.
- The proposed development will give rise to increased traffic in the area and at the Whitehall Road junction.
- There is a lack of suitable amenity spaces/ facilities in the immediate area. The site is not suitable in the context of planning for the 15-minute city.

8.0 **Assessment**

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

- Principle of Development
- Density & Scale of Development
- Impact on the Character of the Area
- Impact on Proposed Residential Amenity
- Impact on Existing Residential Amenity
- Traffic and Access
- Infrastructure and Flood Risk
- Other Matters
- Appropriate Assessment (AA)
- Environmental Impact Assessment (EIA)

8.2. **Principle of Development**

8.2.1. The proposed development provides for a total of 208 apartments in the form of 104 one-bedroom units and 104 two-bedroom units. The development is to be in the form of five apartment blocks ranging in height from four to six storeys. The subject site is

located on lands zoned Z1 – residential use, in the Dublin City Development Plan 2022 – 2028. The proposed development is acceptable in terms of the zoning objective that applies to this development.

- 8.2.2. Part of the site is zoned Z10 - Inner Suburban and Inner City Sustainable Mixed-Uses. This is where the access road is to be provided and links to the existing access to the gym. This area of land is under hardstanding and there is no loss of amenity land here.
- 8.2.3. Comment is made in the appeals to the fact that this development is the same as that submitted under the Strategic Housing Development process under ABP Ref. 313043-22. It was recommended that permission be granted for that development, however the decision is currently subject to Judicial Review. The application was made under the Large-scale Residential Development (LRD) process and taking account that the previous application is subject to Judicial Review, and the decision may be quashed, this application will be assessed de novo and does not have regard to the previous application or recommendation. The introduction of a new development plan also has implications for the assessment of the development.
- 8.2.4. There are similarities between this and the previous application and in the interest of clarity I report that there are no significant external alterations in relation to the subject application and that previously submitted, and the proposed internal alterations are relatively minor. The key differences relate to the fact that the subject application was submitted directly to the Planning Authority under the Large-scale Residential Development process, allowing appeal to An Bord Pleanála, following assessment and a decision by the Planning Authority. The development is subject to the Dublin City Development Plan 2022 – 2028. In addition, the proposed development will be operated by an approved housing body and all units will be for either social and/ or cost rental housing.
- 8.2.5. I have no objection to the proposed scheme in terms of development on these suitably zoned lands for residential use and I also consider that the type of housing proposed is also acceptable. Potential impact on the character, visual, and residential amenity of the area are considered in the following sections of my report.

8.3. **Density & Scale of Development**

- 8.3.1. Concern was expressed in the appeals about the scale of proposed development. The provision of 208 residential units on a stated net site area of 1.25 hectares provides

for a density of 166.4 units per hectare. The appellants have referenced Table 1 of Appendix 3 of the Dublin City Development Plan 2022 – 2028 and which suggests that the density for the ‘Outer Suburbs’ should be in the range of 60 – 120 units per hectare. The development plan also states that ‘It is acknowledged that schemes of increased density are often coupled with buildings of increased height and scale. Where a scheme proposes buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply’.

- 8.3.2. I note the issues raised in the appeals, the response of the applicant and the Planning Authority report. I consider that the proposed density of a development is appropriate where it can be established that the site is suitable for the proposed number of units and where it can be established that the development would not give rise to a negative impact on the character and residential amenity of the area it is to be located within. National policy is to encourage the consolidation of urban areas, and this generally means that the density of units will increase in such a location. The Dublin City Development Plan incorporates and expands on this national policy and seeks to increase the number of residential units in appropriate locations throughout the city area.
- 8.3.3. The outer suburbs of the Dublin City Council area are generally well-established urban areas with a good range of services, and there remain some sites that provide an opportunity for further urban consolidation. This is such a site, located in a mature predominately residential area, on lands zoned for residential development and where public transport is available. The site can also benefit from the existing range of services available in the surrounding area.
- 8.3.4. I have outlined the available public transport in the area in Section 1.4 of this report and the applicant has engaged Transport Insights to prepare a ‘Public Transport Capacity Study’. This study provides a breakdown of service provision in the area and the available capacity on buses at peak times. The results indicate that there is significant available capacity in the morning peak. The details I have provided refer to the off-peak frequency and additional services are provided at peak times, thereby increasing the frequency of services.
- 8.3.5. The submitted details are noted and it is clear that the existing bus services have capacity to cater for demand from this development. The applicant’s report only

assessed the number 9, 15A and 17 bus routes, the 54A and 83/A are also within walking distance of the site. The 17 is an orbital bus route that does not serve the city centre but does provide for connections through the south city area.

8.3.6. Whilst the standard density range is stated in Table 1 to be 60 – 120 units in the outer suburbs, increased densities are acceptable and are assessed against Table 3 of the Dublin City Development Plan. I am satisfied that the proposed development demonstrates how it will comply with the requirements of this table and the site is therefore suitable for a development with a density in excess of 120 units per hectare.

8.3.7. I am satisfied that the site is suitable for the density of development that is proposed here. The area is served by a range of shops and community facilities that can be reached by walking. Public transport provision is acceptable for the scale and type of development that is proposed in this location.

8.4. Impact on the Character of the Area

8.4.1. The character of the area is established by mostly two-storey houses in the form of semi-detached and terraced units. New four storey apartments have been constructed on Ravensdale Park approximately 240 m to the east of the subject site on the next street and which adjoins Captain’s Road. Similar redevelopments and increased density of housing have been provided throughout the south city area.

8.4.2. The issue of height and it been out of character with the established form of development in the area was raised in the submitted appeals. Section 3.2 – ‘Development Management Criteria’ of the ‘Urban Development and Building Heights – Guidelines for Planning Authorities’, December 2018, sets out a number of considerations for developments with increased heights, and the Dublin City Development Plan provides for similar considerations in Appendix 3.

8.4.3. In the interest of convenience, I have set out the criteria in Section 3.2 of the Building Heights Guidelines in the following table:

At the scale of the relevant city/ town	
Criteria	Response
The site is well served by public transport with high capacity, frequent	Public transport is available in the form of Dublin Bus Routes 9, 15A and 54A, with

<p>service and good links to other modes of public transport.</p>	<p>bus stops less than 400 m from the site. Route 9 operates on an off-peak frequency of every 12 minutes, route 15A every 20 minutes and route 54A every 30 minutes. There are therefore approximately ten buses an hour within 400 m of the site. In addition, routes 83/ 83A provide a combined service every 12 minutes off peak from Stannaway Avenue. Go-Ahead routes 17/17D provides a service every 20 minutes connecting a range of locations in the south suburbs including Blackrock, UCD, Dundrum, Crumlin and Rialto.</p> <p>I am satisfied that the area is well served by public transport in terms of available capacity and frequency.</p>
<p>Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key view.</p> <p>Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<ul style="list-style-type: none"> • No protected views, Architectural Conservation Area (ACA), or other architectural/ visual sensitives apply to this site. The development is not located within a landscape character area worthy of particular protection. • Photomontages and CGIs have been prepared by 3D Design Bureau in support of the application. • A Landscape Design Rationale has been prepared by DFLA • A Townscape and Visual Impact Assessment has been prepared by AECOM <p>I am satisfied that adequate supporting details have been provided to demonstrate</p>

	that the development will integrate with the existing character of the area.
On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.	<ul style="list-style-type: none"> • The site is set back from the public street and does not directly adjoin any street. A strong elevation will face onto an existing surface car park area and which will be supported by suitable landscaping. • The buildings are staggered downwards where they adjoin existing houses/ properties located to the north of the subject site. • An Architectural Design Rationale by BKD Architects has been submitted in support of the development. <p>I am satisfied that adequate supporting details have been provided to demonstrate that the development will integrate with the existing character of the area.</p>
At the scale of district/ neighbourhood/ street	
Criteria	Response
The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.	<ul style="list-style-type: none"> • The development will provide for strong frontages to the southern sides of Blocks 01 to 03 and to the western side of Block 05.
The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.	<ul style="list-style-type: none"> • The proposed development consists of five separate blocks and which are staggered having regard to the established character of the area. • The design includes careful articulation of fenestration and detailing that ensure that the massing of the blocks is

	suitably broken up to ensure that it is not monolithic.
The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).	<ul style="list-style-type: none"> • The design provides for a suitable residential development in this area of predominately two-storey houses. Suitable open space is provided on site and which is proposed to be accessible to public use. • The ‘Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (2009) are complied with, and a Site-Specific Flood Risk Assessment has been prepared by BMCE Engineering
The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.	<ul style="list-style-type: none"> • Improved legibility is provided in the form of strong elevations.
The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.	<ul style="list-style-type: none"> • The proposed development will provide for a mix of one and two-bedroom apartment units. The area is characterised by houses that are generally family sized units and therefore the development will increase the mix of housing types in the area.
At the scale of the site/ building	
Criteria	Response
The form, massing and height of proposed developments should be	<ul style="list-style-type: none"> • The development is in the form of five apartment blocks, and which

<p>carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.</p>	<p>incorporates staggered heights, where the blocks interact with existing residential units. This allows for good access to natural light and reduces the potential for overshadowing from the proposed development.</p>
<p>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.</p>	<ul style="list-style-type: none"> • The applicant has engaged the services of IN2 to prepare a Daylight and Sunlight Analysis, and which is included with the application. <p>I am satisfied that adequate details have been provided to demonstrate that the development will provide for good levels of daylight and sunlight to the proposed apartments and that the impact on adjoining/ existing properties will be at an acceptable level.</p>
<p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration</p>	<ul style="list-style-type: none"> • As above.

and or an effective urban design and streetscape solution.	
Specific Assessment	
Criteria	Response
<p>To support proposals at some or all of these scales, specific assessments may be required and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	<ul style="list-style-type: none"> • Daylight and Overshadowing analysis, prepared by IN2 have been submitted and demonstrate compliance with standards, as applicable. • IN2 have been engaged to provide a Microclimate Wind Analysis and Pedestrian Comfort Report, and no issues of concern are raised.
<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<ul style="list-style-type: none"> • An Ecological Impact Assessment (EclA) and an Appropriate Assessment Screening Report have been prepared by the Moore Group and are submitted in support of the application. They fully consider the impact of the development on bird and bats. • In summary, no bat roosts or significant foraging was found on site during the surveys necessary for the preparation of the applicant's reports. <p>I am satisfied that adequate details have been provided to demonstrate that the development will not significantly impact on birds and bats.</p>
<p>An assessment that the proposal allows for the retention of important</p>	<ul style="list-style-type: none"> • N/A Due to six storey nature of the development.

telecommunication channels, such as microwave links.	
An assessment that the proposal maintains safe air navigation.	<ul style="list-style-type: none"> • N/A Due to the six-storey nature of the development.
An urban design statement including, as appropriate, impact on the historic built environment.	<ul style="list-style-type: none"> • Included with the application is An Architectural Design Rationale, prepared by BKD Architects and which demonstrates how the development will integrate into its surroundings.
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	<ul style="list-style-type: none"> • SEA and EIA not required/ applicable due to the scale of the development. • An EcIA and an AA screening report are submitted with the application.

8.4.4. The above table demonstrates that the development complies with Section 3.2 of the 'Urban Development and Building Height' guidelines and that the criteria are suitably incorporated into the development proposal. Many of the issues identified in the table are assessed in greater depth in the following sections of my report.

8.4.5. National and local policy is to provide for increased heights and density on sites where it can be demonstrated that such locations are suitable. The above table includes appropriate considerations for development with increased heights/ density. The appeals refer to concern that the proposed development results in the introduction of a six-storey development into an area defined by two/ three storey houses. Whilst this is true, there has been an increase in building heights and density in the south city area and the proposed development would provide for an increased variety in unit types in the area.

8.4.6. I note that reference was made in the appeals for more family sized homes and also units that would be suitable for downsizing. The proposed one- and two-bedroom units would allow for suitable units for those who wished to remain in the area but would prefer to live in a smaller unit, more suitable for their needs. The availability of units would be in accordance with the requirements of the housing body.

8.4.7. The proposed development is therefore considered to be acceptable in terms of density. The impact on residential amenity is considered further in the next sections of this report.

8.5. Impact on Proposed Residential Amenity

8.5.1. Unit Mix: The proposed development provides for a total of 104 one- bedroom and 104 two-bedroom units within five apartment blocks. As reported, concern was expressed about the lack of family sized units in the proposed development, however the proposed development provides for unit types that are not common in this area of mostly family sized homes. Dublin City Council consider the proposed development to be acceptable and to be in accordance with the Dublin City Development Plan 2022 – 2028. This plan has full regard to the Apartment Guidelines, including SPPR 1 which refers to appropriate unit mix in the preparation of a development plan.

8.5.2. Quality of Units – Floor Areas: The applicant has provided a 'Housing Quality Assessment' prepared by BKD Architects and which demonstrates that the units comply with the requirements of the Dublin City Development Plan 2022 – 2028 and the Apartment Guidelines 2022. A total of 110 (52.9%) of units exceed the requirement for 110% of the minimum floor area, in accordance with SPPR 3 of the Apartment Guidelines. The proposed internal layout is similar to that proposed under ABP Ref. 313043. The most significant difference is the replacement of the en-suite in the bedrooms of the two-bedroom units with storage space. This is the case for all of the two-bedroom units except Types B2.8 and B2.9 which retain an ensuite bathroom. This means that these units are provided with significantly more storage space than the minimum specified.

8.5.3. A total of 110 (52.9%) of the proposed units are dual aspect and none of the single aspect units are north facing only, in accordance with SPPR 4 of the Apartment Guidelines. The proposed floor to ceiling heights are 2.4 m except for the ground floor which is 2.7 m, demonstrating compliance with SPPR 5 of the Apartment Guidelines.

8.5.4. The proposed floor plans vary between the five blocks, but no block has more than 12 units per floor served by a single lift/ stair core. This is in accordance with SPPR 6 of the Apartment Guidelines. The lifts extend to the ground floor car/ bicycle parking area, allowing for easy access between car/ bicycle and individual residential units on

the upper floors. Blocks 4 and 5 have combined corridors but this results in there been two lift/ stair cores to serve the units on each floor.

- 8.5.5. Quality of Units – Amenity Space: The proposed units are provided with private amenity space in the form of terraced areas for the ground floor units and balconies for the upper floors. The area provided is sufficient in terms of complying with the minimum required. Access to these amenity spaces is from the Kitchen/ Living/ Dining space and it is noted that the balconies extend across the front of bedrooms in some cases, including Unit types B2.1 to B2.7. Balcony depths meet or exceed the requirement to be 1.5 m deep.
- 8.5.6. The proposed development includes the provision of 1,261 sq m of public open space, which equates to 10.1% of the total site area and 1,619 sq m of communal open space is to be provided for. The communal open space is provided within or adjacent to the apartment blocks and is therefore accessible to the residents of these blocks. The communal open space to the west of Block 01, also functions as a buffer between the proposed units and the existing houses to the west of the site.
- 8.5.7. The public open space is provided to the south of Block 05 and to the north of the former Nora Dunne Gallery. This area of public open space can be integrated into other amenity spaces in the future if such are developed on the adjacent lands. The public open space, as stated, is south of the apartment blocks and will therefore receive good sunlight and will provide for a pleasant amenity space.
- 8.5.8. The proposed amenity spaces are considered to be acceptable and will ensure that all units have access to open space in addition to their own private amenity space. The layout and location of the open spaces are considered to be acceptable and will receive good passive surveillance from the adjoining apartment blocks.
- 8.5.9. Daylight and Sunlight: The applicant has engaged the services of IN2 to assess the impact of the development on daylight and sunlight and a 'Daylight and Sunlight Analysis has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:
- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE – 3rd Edition, 2022 (BR209).
 - BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.

- BS EN 17307:2018 – Daylight in Buildings – British Standard
- IS EN 17037: 2018 – Irish Standard
- Sustainable Urban Housing: Design Standards for New Apartments (December 2020)
- Dublin City Development Plan 2022 - 2028

The submitted assessment undertook a number of tests and these are detailed in the following section of this report. I note the reference to the 2020 Apartment Guidelines, these have been superseded by the December 2022 guidelines.

8.5.10. Site Sunlight and Shading: The submitted analysis includes an assessment of the external amenity spaces which comprises the communal open space and public open space areas. The BRE requirement is that a minimum of 50% of an amenity space shall receive two or more hours of sunlight on the 21st of March. The submitted analysis demonstrates that the BRE requirement is met and exceeded at greater than 81% for all communal open space areas. The public open space area to the south is predicted to be sunlit for at least two hours for 100% of the relevant area. The proposed areas of open space will therefore be provided with adequate daylight and sunlight in accordance with the BRE requirements.

8.5.11. Internal Daylight Analysis: From the information provided in the ‘Internal Daylight Analysis’ in Section 7.0 of the applicant’s report, I am satisfied that the Spatial Daylight Autonomy Result are acceptable and the proposed units are demonstrated to be generally compliant. Units that do not meet the targets are identified in the applicant’s report and details are provided of suitable compensatory measures. 97% of the tested spaces are demonstrated to be compliant.

8.5.12. The following are the targets for Spatial Daylight Autonomy:

To meet or exceed 50% of the total lux at:

- Bedrooms 100 Lux
- Living Rooms 150 Lux
- Kitchens 200 Lux

Those units that are below the targets include the following:

Block	Floor	Unit – Room	Kitchen/ Living/ Dining	Bedroom 1	Bedroom 2
1	Ground	All meet the target requirements			
1	First	119 (1 Bed)	28.9%	90.6%	
1	Second	129 (1 Bed)	38.9%	99.0%	
1	Third	139 (1 Bed)	44.8%	100%	
2	Ground	All meet the target requirements			
2	First	215 (1 Bed)	41.5%	55.8%	
2	First	220 (2 Bed)	34.8%	85.5%	87.4%
2	Second	230 (2 Bed)	30%	100%	99.3%
3	Ground	313 (2 Bed)	43.3%	100%	100%
3	First	323 (2 Bed)	42.2%	100%	100%
3	First	327 (1 Bed)	42.2%	51.9%	
3	Second	333 (2 Bed)	49.4%	100%	100%
4	Ground	417 (2 Bed)	45.9%	100%	93.2%
4	Ground	416 (2 Bed)	38.4%	100%	89.8%
4	First	427 (2 Bed)	45.4%	100%	99.2%
4	First	426 (2 Bed)	38.9%	100%	90.7%
4	Second	436 (2 Bed)	48.6%	100%	95.4%
5	All meet the target requirements				

8.5.13. Section 8.0 of the applicant’s report provides an assessment of ‘Exposure to Sunlight’ and is on the basis that a room, preferably a habitable room, receives at least 1.5 hours of sunlight on the 21st of March. Section 8.1 provides a summary of the results, and it was found that 87% or 180 of the units were compliant.

Those units that are below **the targets** include the following:

Block	Floor	Unit – Room	Kitchen/ Living/ Dining	Bedroom 1	Bedroom 2
-------	-------	-------------	-------------------------------	-----------	-----------

1	Ground	All meet the requirements			
1	First	119 (1 Bed)	0.00		
1	Second	129 (1 Bed)	0.75		
2	Ground	All meet the requirements			
2	First	215 (1 Bed)	0.00		
2	First	216 (1 Bed)	0.25		
2	First	217 (1 Bed)	0.00		
2	First	220 (2 Bed)	0.00		
2	Second	225 (1 Bed)	0.00		
2	Second	226 (1 Bed)	0.25		
2	Second	227 (1 Bed)	0.17		
2	Second	230 (2 Bed)	0.58		
2	Third	235 (1 Bed)	0.00		
2	Third	236 (1 Bed)	0.83		
2	Third	237(1 Bed)	0.67		
2	Fourth	245 (1 Bed)	0.00		
3	Ground	All meet the requirements			
3	First	317 (1 Bed)	No results provided		
3	First	318 (1 Bed)	No results provided		
3	First	319 (1 Bed)	No results provided		
3	Second	327 (1 Bed)	0.00		
3	Second	328 (1 Bed)	0.25		
3	Second	329 (1 Bed)	0.25		
3	Third	337 (1 Bed)	0.00		
3	Third	338 (1 Bed)	0.75		
3	Third	339 (1 Bed)	0.67		

3	Fourth	347 (1 Bed)	0.00		
4	Ground	408 (1 Bed)	0.50		
4	First	418 (1 Bed)	0.08		
4	Second	428 (1 Bed)	0.50		
4	Third	438 (1 Bed)	0.83		
5	All meet the requirements				

8.5.14. The submitted details are noted and the applicant's assessment has also considered whether units receive low, medium and high levels of sunlight. The results are as expected having regard to the layout of the development and the location of the units that achieve lower levels of sunlight.

8.5.15. The submitted IN2 report clearly indicates which units are below the suggested standard for daylight and sunlight and a list of specific compensatory measures are proposed. The applicant's report clearly outlines which measures have been applied to the affected units. Generally, it is the Kitchen/ Living/ Dining rooms that fail to comply, though in all cases, one or both of the bedrooms demonstrates a very good receipt of daylight.

8.5.16. Compensatory measures include the following:

Daylight Adjacency: Where rooms are below target, it is demonstrated that adjacent rooms are compliant, therefore units include rooms that are compliant with the requirements.

Sunlight: Rooms receive over 1.5 hours of sunlight, so where they demonstrate non-compliance with daylight, they are compliant in terms of sunlight.

Dual aspect: A number of dual aspect units are provided.

Aspect: Direct aspect is provided onto communal/ public open space in addition to the private amenity spaces for some units. Some units have direct aspect onto courtyards.

Unit Size: Some of the units with reduced daylight are provided with floor areas that are up to 10% larger than the minimum required.

Amenity Space: All units have direct access to a balcony or terrace area.

8.5.17. The proposed listed compensatory measures are considered to be acceptable/ appropriate for the proposed units/ the overall development of this site.

8.5.18. **Conclusion on Daylight and Sunlight Assessments:** I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the relevant guidance. As with the majority of developments in established urban areas, there are restrictions in relation to the site size and shape, as well as ensuring that existing residential amenity is protected.

8.5.19. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban development of this accessible and serviced site located within the Dublin City area, in accordance with national policy guidance, are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants of this development. Overall, I am satisfied that the proposed development will provide for good daylight and sunlight to the proposed units.

8.5.20. **Childcare Provision:** The proposed development provides for a total of 208 residential units; however, all proposed units are either one or bedroom units. In support of the application, a Childcare Assessment, dated November 2022, has been prepared by McGill Planning. Reference is made to the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which state that ‘One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms’.

8.5.21. The applicant through their submitted report, has assessed the need for childcare provision based on the following, which I have summarised in the interest of simplification:

	2001 Childcare Guidelines	2020 Apartment Guidelines – without 1 beds	2020 Apartment Guidelines – without 1 beds and only 50% of 2 beds
--	--	---	--

Number of Units	208	104	52
1 Facility with capacity for 20 children for every 75 units	56	28	14

- 8.5.22. The demand for childcare from this development is considered to be very low. The applicant has identified 20 existing childcare facilities within 1 km of the subject site. It is not certain that all these are operating, and responses were not received in all cases, but the estimated capacity is 339 childcare spaces with existing vacancies for 8 children. Demand generated from this development is likely to be less than 8 as indicated in Figure 6 – ‘Estimated Childcare Demand from Proposed Development’ of the Applicant’s report.
- 8.5.23. The Planning Authority reported/ noted that no childcare provision is to be made and that there is capacity in the area to accommodate the potential demand from this development. The Planning Authority agree with the applicant’s report and that there is no need for a standalone facility considering the number of one- and two-bedroom units that are proposed within this scheme. In addition, no childcare facility was proposed for the SHD under ABP Ref. 313043-22 and there has been no change in policy since then.
- 8.5.24. **Conclusion on Childcare Provision:** The proposed development provides for one- and two-bedroom units and the likely demand for childcare has been demonstrated to be very low, I agree with this conclusion and there is no need for a separate standalone facility on this site.
- 8.5.25. **Conclusion on Residential Amenity:** It is considered that the proposed development will provide for a high quality of residential amenity in this established urban area. Room sizes and amenity spaces are of a good standard. The site is restricted by its urban location and the site layout, which impacts on the receipt of daylight and sunlight that some units may receive. The applicant has provided a development with a significant number of dual aspect units. The proposed scheme will provide for a suitable development of this serviced urban site. It is considered that the proposed development complies with the requirements of National and Local policies as relevant to a scheme of this nature.

8.6. Impact on Existing Residential Amenity

- 8.6.1. Concern was expressed in the appeals about the impact of the proposed development in terms of overlooking leading to a loss of privacy and overshadowing leading to a loss of daylight/ sunlight.
- 8.6.2. Existing Site: The subject site is a greenfield site but is located in an established urban area. It is to be expected that the development of this site/ similar sites would give rise to a level of disturbance to residents, most notably during the construction phase. Demolition is not expected on this site and site clearance should be relatively limited as the site is clear of structures, is under grass and the site is relatively level. I am satisfied that although the development of this site will give rise to some temporary nuisance, this has to be weighed up against the long-term impact of the comprehensive development of this site.
- 8.6.3. A number of documents have been included with this application that will ensure that the impact on residential amenity is reduced as much as is reasonable. These include the submission of a Construction Traffic Management Plan, an Outline Construction and Demolition Waste Management Plan, an Outline Construction Management Plan and an Outline Construction Surface Water Management Plan. These are noted and final details can be agreed with the Planning Authority in the event that permission is granted for this development.
- 8.6.1. **Daylight and Sunlight:** The impact of the development on adjoining properties is considered in the Daylight & Sunlight Analysis prepared by IN2, dated November 2022.
- 8.6.2. Daylight: Section 5.0 assesses the 'Impact on Neighbouring Buildings' and this is undertaken through an assessment of the Vertical Sky Component (VSC) which is a measure of how much direct daylight a window is likely to receive. The Vertical Sky Component is simply a measure of how much of the sky can be seen at a given point. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value.
- 8.6.3. The applicant has assessed the potential impact on Park Crescent to the west, Captain's Road to the north, and Brookfield Green and Brookfield to the east. The assessment has excluded any existing trees in accordance with the BRE Guidelines.

Windows on extensions/ conservatories have been included in the analysis. Figures 5.2.2 to 5.2.9 identify the relevant tested windows.

8.6.4. The analysis of the tested units found that only window 163 in 33 Park Crescent demonstrated a reduction below 27% and below 80% of the current figure. The VSC at this address will reduce to 25.6% which is only marginally below the 27% standard, and 77% of the existing figure. I note that there are mature trees adjacent to the boundary of this house and the actual impact is likely to be less than that calculated. I am satisfied that the submitted assessment does not give rise to any concern and the impact on number 33 is acceptable in the context of a house located within an urban area.

8.6.5 Sunlight: The Annual Probable Sunlight Hours (APSH) assessment indicates what the impact of a development would be on the sunlight received by existing units. Only south facing windows are considered in this assessment, in accordance with BRE guidance. According to the BRE guidance a dwelling/ or a non-domestic building which has a particular requirement for sunlight, will appear reasonably sunlit if:

- At least one main window wall faces within 90° of due south and
- The centre of at least one window to a main living room can receive 25% annual probable sunlight hours, including at least 5% of annual probable sunlight hours in winter months (the winter period is considered to fall between the 21st of September and the 21st of March).

Further to this the BRE advise that the sun lighting of existing dwellings may be adversely affected if the centre of the window in question:

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between the 21st of September and the 21st of March and
- Receives less than 0.8 times its former sunlight hours during either period and
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

8.6.5. The results are provided in section 5.4 – ‘Results – Annual Probable Sunlight Hours of the submitted report and out of all the tested units, only number 31 Park Crescent, window 162 demonstrates an APSH below 80%, in this case to be 77%. As reported by the applicant, the VSC for this unit is deemed to pass, and again the presence of existing mature trees has been excluded from the calculations.

- 8.6.6. Shadow Analysis: Shadow Diagrams have been prepared/ included in the analysis. These are prepared for the 21st of March, June, and December at hourly intervals from 8.00 hours to 17.00 hours. The submitted details give no rise for concern. The private amenity space associated with the neighbouring units will receive at least two hours of sunlight on the 21st of March. Shadowing will be evident in the late evening for March, just before sunset, but clearly the impact from this would be marginal as the period of impact would be over a very short period of time.
- 8.6.7. The submitted details are noted. From the available information, all residential units will continue to receive good daylight and the proposed development will not result in a reduction of residential amenity to an unacceptable level. Overall, the assessment indicates that compliance with BRE guidance will be of a suitable standard ensuring that residential amenity is protected.
- 8.6.8. Conclusion on sunlight/ daylight impacts to neighbouring properties: It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Section 28 guidelines and those contained within the Dublin City Development Plan 2022 - 2028 to assist me in identifying where potential issues/ impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within the Dublin city area, and to increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents from such development is not significantly negative and is mitigated in so far as is reasonable and practical. Existing units and their private amenity spaces will receive adequate sunlight, in accordance with the BRE Guidance. I have no reason, therefore, to recommend to the Board that permission be refused.
- 8.6.9. **Potential overlooking:** There are no specific restrictions set out in the current Dublin City Development Plan regarding separation distances for taller buildings other than to ensure that residential amenity is protected. At no point is the separation distance less than 24.5 m and this is greater than the standard of 22 m between directly, opposing first floor, rear windows. The provision of stepped floors (four storeys to the north elevation) and the use of other appropriate design features that reduce the potential for overlooking, will ensure that the privacy of the houses on Captain's Road are maintained.

8.6.10. The applicant has outlined the separation distances in the submitted plans and supporting drawings. Section 2.7 – ‘Protection of Residential Amenity in Adjoining Properties’ of the Architectural Design Rationale, gives clear details on the separation distance between the proposed development and the existing adjoining houses. The applicant is also proposing to provide 1.2 m high frosted glass balustrades on the balconies, and which will address potential issues of overlooking.

8.6.11. The separation distances to the houses to the east and west of the proposed development are acceptable, the minimum separation of 24.5 m is provided between the south west corner of Block 1 and 34 Park Crescent. The houses on Park Crescent and in Brookfield/ Green are angled slightly to their boundary and consequently to the proposed development. The 22 m separation only applies to directly opposing windows, so the actual separation in terms of protection of privacy is increased by the angled nature/ layout of these existing houses.

8.6.12. Comment was made in the appeals that a number of the houses had been extended to their rear and the impact on these was not fully considered by the proposed development. I note these comments, however the extended portion of a house may not be expected to have the same level of residential protection as that of the main/ original body of the house. The applicant has considered the impact of the development on the windows of extensions/ conservatories attached to houses and no specific issues of concern were raised.

8.6.11. **Planning Authority comment on residential amenity:** No particular issues of concern were raised in the Planning Authority report.

8.6.12. **Conclusion:** Overall I am satisfied that the development will not have a undue negative impact on the existing residential amenity of the area. The site is zoned for residential development, is located in an established urban area and with access to existing services, including public transport. I have no reason, therefore, to recommend to the Board that permission be refused due to impact on the residential amenity of the existing area.

8.7. **Traffic and Access**

8.7.1. Concern was expressed through the appeals that the proposed development was not well served by public transport, that there was a shortfall in car parking provision and that the proposed development would give rise to traffic congestion. The Planning

Authority did not raise any issues of concern in relation to transport and road safety. Conditions are recommended in the event that permission is granted for the proposed development. These are noted and are considered to be standard for a development of this nature.

- 8.7.2. Mode of Transport: The proposed development of 208 number one- and two-bedroom units is to be provided with 100 car parking spaces. There is clearly going to be a requirement for good public transport provision in the area to serve this development and the availability of services has already been detailed in this report. I am satisfied that the existing bus services in the area can accommodate the additional demand that this development may generate. I note comments made that buses are full at 7.30 in the morning, I have no evidence of this or otherwise, however there is a good frequency of services available in the area and a full bus may be a one-off occurrence that took place due to an unusual factor.
- 8.7.3. As public transport is available in the area, it is considered acceptable that the number of car parking spaces be reduced. The development provides a good opportunity to encourage a modal shift away from car use, and still provide for car parking spaces for those who need them, rather than providing for car parking for those who may need them or generally don't have a need. The site is within walking distance of shops, educational facilities and other services and as already reported, the available bus routes serve a range of locations in the south city area. In addition, 484 bicycle parking spaces are proposed, and which will meet the transport needs for many residents on a day-by-day basis.
- 8.7.4. Dublin City Council Planning and Transportation Planning Sections did not raise any specific concerns about the proposed car parking provision. A 'Car Parking Management Strategy' prepared by Barrett Mahony Civil & Structural Engineers has been submitted in support of the application. 'Eligibility to Use Car Parking' is covered under Section 6.0 and the 'Car Parking Management Strategy' is provided under Section 7.0 of the applicant's report. Car parking spaces will be on a one-year lease but may be leased for a single month. The submitted details in this report are thorough.

- 8.7.5. Dublin City Council commented on the design of the bicycle parking facilities, and these are noted. It may be possible to provide for additional bicycle parking on site, but this is likely to depend on demand from the residents of this development.
- 8.7.6. The access to the site was raised as an issue that would require revision and a condition was provided by the Planning Authority in relation to this. I am satisfied that these works can be undertaken by way of condition with final design to be agreed with Dublin City Council. The submitted 'Traffic Impact Assessment' prepared by Barrett Mahony Civil & Structural Engineers, does not give rise to any issues of concern in relation to potential traffic congestion. Three junctions were assessed in the report, and these are the access to Kimmage Road West, the junction of Kimmage Road West and Whitehall Road and Terenure Road West/ Fortfield Road/ Kimmage Road West/ Sundrive Road. The assessment does not give rise to any issues of concern.
- 8.7.7. **Conclusion on Traffic and Access:** The location is served by a frequent bus service and as per the 'Public Transport Capacity Study' prepared by Transport Insights in support of the appeal response, the existing bus service has adequate capacity to serve the demand generated by this development. Adequate car parking is provided and a significant number of bicycle parking spaces are also to be provided on site. The recommended revisions to the site can be carried out in accordance with the requirements of the Planning Authority.

8.8. **Infrastructure and Flood Risk**

- 8.8.1. The Dublin City Council Drainage Division requested further information in relation to surface water drainage and the applicant provided a comprehensive response that addressed all issues of concern.
- 8.8.2. No issues were raised in relation to water supply and foul drainage, and I note from the previous SHD application under ABP Ref. 313043-22 that Irish Water reported no concern to the proposed foul drainage and water supply and recommended conditions in the event that permission was to be granted. As both developments are for 208 apartment units on this site, there is a similarity in the nature of the developments and the need for suitable foul drainage and water supply. It is therefore considered that the provision of suitable water supply and foul drainage systems can be addressed by way of condition.

8.8.3. A 'Site-Specific Flood Risk Assessment' – prepared by Barrett Mahony Engineers has been included with the application. The assessment has full regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009'. The submitted report has regard to the following forms of potential flooding:

- Coastal Flooding: A review of the OPW Tidal Flood Extents Mapping was carried out and which indicates no coastal flooding at the subject site.
- Fluvial Flooding: A review of the OPW Fluvial Flood Extents Mapping was carried out and indicates low and medium probability fluvial flooding at the eastern boundary of the subject site. The site is approximately 300 m west of the River Poddle and there are no records of flood events in or near the subject site. Flood risk modelling conducted on behalf of the OPW under the Eastern CFRAM (Catchment Flood Risk Assessment and Management) Study indicates that the development site is within an area with a fluvial flood event AEP of less than 1%. The risk of fluvial flooding within the subject site is therefore considered to be low.
- Ground Water: Ground investigations were undertaken on the site and ground water seepage was encountered at depths varying from 1.9 m to 2.9 m below ground level. The applicant proposes to monitor ground water levels over the next 12 months. The risk of flooding due to ground water ingress to the proposed development is reported to be low.
- Pluvial Flooding: A review of the available literature including the DCC FloodResilienCity (FRC) project was carried out and some pluvial flooding has been indicated on the site. The submitted details are in the form of 'predictive' flood maps and not actual floods that have occurred in the past. A suitable surface water drainage system will be deployed on site, and which will address this form of flooding.

8.8.4. Climate Change: Full regard has been had to climate change in the consideration of flood risk on the subject site. An allowance of 20% additional flow should be taken for designing for floor events. The system is designed for storms up to and including the

1 in 100-year storm and 20% extra is included for climate change. The proposed development can therefore be considered to be climate change resilient.

8.8.5. The initial flood risk assessment found that the risk of coastal/ tidal, fluvial, and ground water flooding was low. The risk of pluvial flooding was found to be low to medium and suitable measures have been proposed to address this. The sequential approach for flood risk was undertaken and in conclusion, the site was identified as located within Flood Zone C.

8.8.6. As flooding was raised as an issue of concern in the submitted appeals, the applicant has engaged Barrett Mahony Consulting Engineers to address each of the points raised. A report dated April 2023 has been included in the appeal response. In summary, the proposed development will not increase the risk of flooding to adjoining sites, suitable attenuation tanks will be provided on site that can accommodate landscaping, and a blue roof storage system will be incorporated into the overall design. There is no requirement for a justification test as the residential development will be located entirely within Flood Zone C.

8.8.7. **Conclusion on Infrastructure and Flood Risk:** The site is served by a public water supply and the public foul drainage network. Wastewater will be treated at the Ringsend WWTP and having regard to the submitted information, there is no concern in relation to this facility been able to treat the foul water from this relatively modest development. The submitted flood risk assessment and the response to the appeals, are thorough and no issues of concern have been raised. I am satisfied that the development can proceed without giving rise to flooding issues in the area, including potential impact on adjoining sites.

8.9. Other Matters

8.9.1. **Archaeology:** I note the report of the Dublin City Council Archaeologist and the recommended conditions including that an archaeological assessment of the proposed development be undertaken prior to the commencement of development. The conditions included in the Dublin City Council grant of permission are appropriate.

8.9.2. **Ecological Impact Assessment:** The applicant engaged the Moore Group to prepare an Ecological Impact Assessment, and this was included in support of the application. The site is not a habitat for any protected fauna. There are no structures on site and there are no records of bats in this area. A dusk bat survey recorded only

two nearby passes by bats, and a fox, which is not protected, was noted at the time of the bat survey. No invasive species were found on site. It is concluded in this report that the development would not give rise to significant impacts to habitats, flora, fauna or biodiversity. There would be no direct/ or indirect impact impacts on European sites as a result of the proposed development.

8.9.3. The submitted details are noted and from the site visit it was evident that the site was under grass but did not appear to be rich in biodiversity. This site is located within an established urban area and access is somewhat restricted by been surrounded by development. There are no watercourses or ponds on site that would encourage a greater level of biodiversity.

8.9.4. **Legal issues:** The issue of legal consent and location of the development in that part of the development adjoins the South Dublin County Council area, were raised in the appeal. The onus is on the applicant to ensure that the submitted application is legally compliant and no issues of concern were raised by Dublin City Council. I note the response of the applicant to this matter, and I am satisfied that the applicant has adequately addressed the legal issues raised in the appeal.

8.9.5. It was raised in the appeal that part of the development was to be located within the South Dublin County Council area. The applicant has addressed this in their appeal response in Section 7. and the entirety of their works will be within the Dublin City area. No alterations such as road widening, or revised layout are proposed to the public road network along Kimmage Road West. The only potential impact outside of the Dublin City Council area would be Uisce Éireann works/ upgrading of services and these works would be carried out by the utility operator. These would be standard upgrade works and would only be undertaken due to the operational requirements of Uisce Éireann in relation to the local water supply/ foul drainage networks. The applicant would not be carrying out these works and therefore the development does not extend into the South Dublin County Council area.

8.9.6. **Masterplan:** It was raised in appeal that the proposed development may impact on the development potential of adjoining lands. The applicant has responded that there is no requirement for a masterplan for these lands and the proposed development has been considered in the context of how it would impact on adjoining lands including the Ben Dunne Carlisle Gym. Suitable connections are provided between the sites and

also a buffer area is provided ensuring that there is no negative impact on the development potential of the adjoining lands.

8.9.7. I am satisfied that applicant has considered the potential impact on adjoining lands including the gym site. The gym site is zoned Z10 – Mixed Residential in the Dublin City Development Plan 2022 – 2028 and there is potential for the redevelopment of this site in the future, but I am not aware of any proposals at this time.

9.0 Appropriate Assessment (AA)

9.1 Stage 1 – Appropriate Assessment Screening

9.1.1 The applicant has engaged the services of Moore Group – Environmental Services, to carry out an appropriate assessment screening; the report is dated November 2022. I have had regard to the contents of same.

9.1.2 The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 as amended are considered fully in this section.

9.1.3 The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment

9.1.4 I have considered the proposed Large-scale Residential Development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

9.1.5 The proposed development comprises the development of 208 apartment units, in five blocks ranging in height between four and six storeys. The subject development also includes all associated site works, on lands adjacent to the Carlisle Gym to the north of Kimmage Road West, Terenure, Dublin 12.

9.1.6 Dublin City Council considered the submitted Appropriate Assessment Screening and reported that ‘the proposal is not likely to have any significant impacts on protected sites’.

9.1.7 Name and location of European Sites identified for the screening test:

- The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA).

- A total of four European Sites have been identified as located within the potential zone of influence and these are as follows:

European Site (Site Code)	Qualifying Interests	Distance	Connections
<p>South Dublin Bay SAC (000210)</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by the following list of targets:</p> <ul style="list-style-type: none"> • The permanent habitat area is stable or increasing, subject to natural processes. • Maintain the extent of the Zostera –dominated community, subject to natural processes. • Conserve the high quality of the Zostera –dominated community, subject to natural processes • Conserve the following community type in a natural condition: Fine sands with Angulus tenuis community complex. 	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	<p>6.31 km to the east</p>	<p>Indirect only:</p> <p>a) Groundwater to ground.</p> <p>b) Wastewater will go via the public foul drainage system, to be treated at the Ringsend Wastewater Treatment Plant before discharge.</p>
<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p> <p>Conservation Objectives:</p> <p>The maintenance of habitats and species within Natura 2000 sites at favourable conservation</p>	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p>	<p>6.33 km to the east</p>	<p>Indirect only:</p> <p>a) Groundwater to ground.</p> <p>b) Wastewater will go via the public foul</p>

<p>condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p>	<p>Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999]</p>		<p>drainage system, to be treated at the Ringsend Wastewater Treatment Plant before discharge.</p>
<p>North Bull Island SPA (004006) Conservation Objective: The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of</p>	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052]</p>	<p>9.49 km to the north east</p>	<p>Indirect only: a) Groundwater to ground. b) Wastewater will go via the public foul drainage</p>

<p>favourable conservation status of those habitats and species at a national level.</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>	<p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p>		<p>system, to be treated at the Ringsend Wastewater Treatment Plant before discharge.</p>
<p>North Dublin Bay SAC (000206)</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p>	<p>9.50 km to the north east</p>	<p>Indirect only:</p> <p>a) Groundwater to ground.</p> <p>b) Wastewater will go via the public foul drainage system, to be treated at the Ringsend Wastewater Treatment Plant before discharge.</p>

	<p>Shifting dunes along the shoreline with white dunes (Ammophila arenaria) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalwort (Petalophyllum ralfsii) [1395]</p>		
--	--	--	--

9.1.8 The submitted AA Screening considers the potential impacts on European Sites from the proposed development. These are summarised in the following table:

Impact		Effect
Size/ Scale	Site area is 1.25 hectares in an established urban area.	Not on or adjacent to a designated site. No impact.
Distance from site	Nearest site is 6.31 km – no direct connection	No impact as there is no direct hydrological or ecological connection.
Land-take	Not located on lands that are designated as a European site	No impact
Resource Requirements	N/A	None
Emissions	N/A	None
Duration/ timing of works	Five Years to complete the development	None
Range of Impact Factors	None	None
Ex-Situ Effects	None	None

9.1.9 There are no ecological networks supporting the identified European sites and there are no other areas of conservation concern that would be affected by the proposed development.

9.1.10 **Assessment of Likely Significant Effects:**

The submitted AA Screening considers the potential impacts on European Sites from the proposed development. As reported, there are no direct connection between the site and European sites with only indirect connections identified in the form of wastewater from the development, which will be treated at the Ringsend Wastewater Treatment Plant (WWTP). This plant has capacity to treat the wastewater from this development. Table 3 of the AA Screening Report considers likely significant effects at Construction and Operational stages, and also In-combination/ Other effects. No significant effects are identified, and no mitigation measures are required. Best practice construction methods will be employed on site, but these are not necessary to ensure that effects on a European site can be avoided/ reduced.

9.1.11 In-combination effects are considered under Section 5.2 of the applicant's report and following the consideration of a number of planning applications in the area, there is no potential for in-combination effects given the scale and location of the development.

9.1.12 **AA Screening Conclusion:** The AA Screening has concluded that the possibility of any significant effects on identified, designated European sites can be excluded. The following are noted:

'1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.

2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.

3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.

4. It is possible to conclude that significant effects can be excluded at the screening stage'.

There is no requirement to therefore prepare a Stage 2 – Appropriate Assessment.

9.2 Screening Assessment

- 9.2.1 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.
- 9.2.2 In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. There are no watercourses on site and the only connection between the site and the identified European sites would be an indirect linkage by way of the public wastewater system. Considering the distance from the site to the nearest European site and the use of the existing public wastewater treatment, I am satisfied that there would be no significant effect on any identified site.
- 9.2.3 During the construction phase of development, standard measures will be employed to address surface water run-off and the general management of liquid waste on site. These will be outlined in the adopted Construction Management Plan and any associated documentation. Considering the site layout, location, and distance from the designated sites, there is no realistic likelihood of pollutants reaching the identified Natura 2000 sites.
- 9.2.4 During the operational phase of the development, surface water drainage will be in accordance with the policies/ guidelines of the Greater Dublin Strategic Drainage Study (GSDSDS) and also in accordance with the requirements of Dublin City Council. The surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the Dublin Bay system is unlikely to occur.
- 9.2.5 Foul drainage will be through the existing foul drainage system. Considering the distance from the site to Dublin Bay, there is no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.
- 9.5.6 I note in full the submitted AA Screening Report and supporting documentation. I note various measures proposed during the construction and operational phase of the

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

9.6.1 Consideration of Impacts on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA:

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- There are no surface water features within the site. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system.
- During the operational phase of development, foul water will drain to the public system. The discharge from the proposed development would drain, via the public network, to the Ringsend Wastewater Treatment Plant for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the site and sites in Dublin Bay due to the wastewater pathway. However, the discharge from the site is negligible in the context of the overall licenced discharge at Ringsend Wastewater Treatment Plant, and thus its impact on the overall discharge would be negligible.

9.7. In-Combination or Cumulative Effects

- 9.7.1 This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend Wastewater

Treatment Plant (WWTP). The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and specifically in the Dublin 12 area in accordance with the requirements of the Dublin City Development Plan. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 sites. I note also the development is for a residential development in a predominately residential area, with an appropriate Z1 zoning (for residential uses). As such the proposal will not generate significant demands on the existing public drainage network for foul water and surface water.

9.7.2 Having regard to the scale of development proposed, and likely time for occupation if permitted and constructed, it is considered that the development would result in an insignificant increase in the loading at the Ringsend Wastewater Treatment Plant, which would in any event be subject to Irish Water consent and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached.

9.7.3 Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

9.8 AA Screening Conclusion:

9.8.1 It is reasonable to conclude that on the basis of the information provided on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise to a

significant effect individually or in combination with other plans or projects on an European site.

- 9.8.2 In consideration of the above conclusion, there is no requirement therefore for a Stage 2 Appropriate Assessment (and for the submission of a Natura Impact Statement - NIS).

9.7 Environmental Impact Assessment (EIA)

9.7.1 This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

9.7.2 The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report (Prepared by McGill Planning – Dated November 2022) and I have had regard to same. The submitted report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size at 1.25 hectares, number of residential units (208) and the fact that the proposal is unlikely to give rise to significant environment effects, a formal EIAR is not required. In addition, detailed and comprehensive assessments have been undertaken to assess/ address all potential planning and environmental issues relating to the development; these are included in support of the application.

9.7.3 The Planning Authority reported that the development was below threshold and ‘EIAR is not a mandatory requirement’. They noted the submitted EIA Screening Report.

9.7.4 Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as ‘a district within a city or town in which the predominant land use is retail or commercial use’.

9.7.5 Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: “Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the

relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

9.7.6 Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

9.7.7 The applicant submitted an EIA Screening Statement with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.

9.7.8 The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Planning Report (McGill Planning 2022)
- Architectural Design Report (BKD Architects 2022)
- Photomontages (3d Design Bureau 2022)
- Daylight and Sunlight Analysis (IN2 2022)
- Traffic Impact Assessment (BMCE 2022)
- Infrastructure Report (BMC 2022)
- Flood Risk Assessment (BMCE 2022)
- Ecological Impact Assessment (Moore Group 2022)

- Appropriate Assessment Screening (Moore Group 2022)
- Environmental Noise Survey (Traynor Environmental Ltd., 2022)
- Microclimate Wind Analysis and Pedestrian Comfort Report (IN2, 2022)

9.7.9 The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

9.7.10 I have completed an EIA screening assessment as set out in Appendix A of this report.

9.7.11 I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

9.7.12 A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

10.0 Recommendation

Having regard to the above and the reasons and considerations set out below, I recommend that planning permission for the proposed development should be granted, subject to conditions.

11.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022 - 2028, and the zoning for residential purposes, to the location of the site in an established

residential area and to the nature, form, scale and design of the proposed development, it is considered, that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Recommended Draft Order

12.1 Application:

For permission under the Planning and Development Act 2000 as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 31st of March 2023 by 1 Terenure Land Limited.

Proposed Development:

- The provision of 208 residential units in the form of 104 one bedroom and 104 two-bedroom apartments in five separate blocks ranging in height between four and six storeys. Also includes car parking, cycle parking and all associated necessary infrastructure works.
- The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2022 - 2028
- It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2020 (these are superseded by the 2022 Guidelines). A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes, storage, and residential amenity areas.

Appeal:

Third-Party appeals by Elizabeth O'Callaghan and the Kimmage Dublin Residents Alliance against the decision to grant permission subject to conditions as issued by Dublin City Council.

12.2 Decision:

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

12.2 Matters Considered:

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

In coming to its decision, the Board had regard to the following:

- (i) the provisions and policies of the Dublin City Development Plan 2022 - 2028,
- (ii) The zoning objective Z1 – ‘Sustainable Residential Neighbourhoods’, which seeks ‘To protect, provide and improve residential amenities’.
- (iii) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021, and Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2022,
- (vi) the Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- (vii) the availability in the area of a wide range of social and transport infrastructure,
- (viii) to the pattern of existing and permitted development in the area, and
- (ix) Submission and Observations received, and
- (x) the Inspectors Report

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.3 Appropriate Assessment (AA):

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a site in an established urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report documentation and the Inspector's report.

In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

12.4 Environmental Impact Assessment (EIA):

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

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

- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands governed by zoning objective Z1, 'To protect, provide and improve residential amenities' in the Dublin City Development Plan 2022 - 2028, and the results of the strategic environmental assessment of the Dublin City Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to the site,
- The availability of mains water and wastewater services to serve the proposed development,
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Management Plan.

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is, compliant with the current Dublin City Development Plan 2022 - 2028, and the proposed development would

therefore be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

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

Reason: In the interest of clarity.

2. The number of residential units permitted by this grant of permission is 208 no. units in the form of 104 no. one bedroom units and 104 no. two bedroom units.

Reason: In the interests of clarity.

3. a) All elevations shall be finished in brick or similar material but shall not include the use of self-coloured or coloured render.

b) Details of the materials, colours, and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

4. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior

to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

5. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

7. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to service areas and the undercroft car park shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

8. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in

association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

9. A minimum of 10% of all car parking spaces serving the apartments and duplex units should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

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

10. A total of 484 no. bicycle parking spaces and room for four cargo bicycles shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

11. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

12. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

13. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

14. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

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

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

15. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than

6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

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

Reason: In the interest of sustainable waste management.

17. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;

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

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

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

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

19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

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

21. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in

accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Paul O'Brien

Inspectorate

7th June 2023

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.

Paul O'Brien
Inspectorate
7th June 2023

EIA Screening Determination:

A. CASE DETAILS		
An Bord Pleanála Case Reference	316176-23	
Development Summary	Construction of 208 apartments in the form of 104 no. one bedroom and 104 no. two bedroom units, car parking, bicycle parking, open space, and all necessary site works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	Due to the nature, size and location of the development, there is no real likelihood of significant effects on the environment, therefore EIAR is not required.
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried	Yes	Ecological Impact Assessment has been submitted.

out pursuant to other relevant Directives – for example SEA		
B. EXAMINATION	<p>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>The development proposes the provision of five apartment blocks ranging in height from four to six storeys. The area is predominately characterised by two-storey</p>	<p>No.</p>

	houses, however the development of residential units is in keeping with the predominately residential nature of the area.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	The proposed development is located on an infill site in Terenure, Dublin 12.	No.
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.	No.
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials,	No.

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

	<p>of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No significant risk identified.</p> <p>Operation of a Construction Management Plan will</p>	<p>No.</p>

	<p>satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.</p>	<p>No.</p>

	Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.	No.
1.9 Will there be any risk of major accidents that could	No significant risk having regard to	No.

<p>affect human health or the environment?</p>	<p>the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, which are primarily characterised by</p>	<p>No.</p>

	residential development.	
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	This is an infill development located in an established urban area.	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	No European sites located on or adjacent to the site. An Appropriate Assessment Screening accompanied the application which concluded the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any designated European sites.	No.
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for	The submitted EclA and AA Screening did not	No.

<p>example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>raise any issues of concern.</p> <p>The site is not identified as a suitable habitat for bats and is limited as a bird habitat.</p>	
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>None on site.</p>	<p>No.</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>There are no such features that arise in this urban location.</p>	<p>No.</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>None on site.</p>	<p>No.</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>Site is located in a built-up urban location where such impacts are not foreseen.</p>	<p>No.</p>
<p>2.7 Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to</p>	<p>The site is served by a local street network. There</p>	<p>No.</p>

<p>congestion or which cause environmental problems, which could be affected by the project?</p>	<p>are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.</p>	
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	<p>The adjacent Ben Dunne Gym is a commercial facility that would not be negatively impacts by the development. There are no sensitive land uses adjacent to the subject site.</p>	<p>No.</p>
<p>3. Any other factors that should be considered which could lead to environmental impacts</p>		
<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject</p>	<p>No.</p>

	to a construction traffic management plan.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No trans-boundary effects arise as a result of the proposed development.	No.
3.3 Are there any other relevant considerations?	No.	No.

C. CONCLUSION

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

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- c) the location of the site on lands governed by zoning objective Z1 – ‘Sustainable Residential Neighbourhoods’ and Z10 – ‘Inner Suburban and Inner City Sustainable Mixed-Uses’ in the Dublin City Development Plan 2022 – 2028,
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),

- h) 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),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction and Environmental Management Plan (CEMP),

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector _____

Date _____