



An
Bord
Pleanála

Inspector's Report ABP-317273-23

Development	Construction of 2 commercial units and 8 apartments
Location	Paintworld, 1-2 Ballymount Road Lower, Dublin 12
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD22A/0406
Applicant(s)	Alan and Monica Holmes.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Alan and Monic Holmes.
Observer(s)	Bridget Boyd. John O'Brien Rose Reilly Sean O'Byrne Jr.
Date of Site Inspection	11 th September 2024.
Inspector	Lucy Roche

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1.0 Site Location and Description

- 1.1. The appeal site is located on the southern side of Ballymount Road Lower, approximately 50m to the west of the Walkinstown roundabout.
- 1.2. The site comprises a detached, double height (ground floor with first floor mezzanine) commercial unit with shallow pitched roof, currently occupied by 'Paintworld'. The building is set back c10m from the public road with on-site parking to the front for staff and customers. A gated laneway / alley extends along the sites eastern boundary connecting with the Greenfield Road to the southeast. This laneway provides access to the rear of the premises.
- 1.3. The site is positioned within a row of two-storey buildings operating as retail, commercial and restaurant uses. On the opposite side of Ballymount Road Lower and directly north of the appeal site lies a row of single storey stone fronted cottages which fall within the jurisdiction of Dublin City Council (zoned residential). In the wider area, the prevailing pattern of development is predominantly two-storey. A three-storey building exists at the junction of Walkinstown Avenue and Walkinstown Road, on the Walkinstown Roundabout, approximately 50m northeast of the appeal site.
- 1.4. The appeal site has a stated as 0.0459 hectares. The existing building covers almost 56% of the site with the remaining areas covered in hard standing.

2.0 Proposed Development

- 2.1. The proposed scheme as originally presented to the Planning Authority comprises the following:
 - The demolition of an existing commercial double height (ground plus upper floor mezzanine) building (c10.26m in height)
 - The construction of a new five storey mixed use building comprising
 - 2 commercial units with plantroom at ground floor level
 - 8 residential apartments (2 one Bed apartments, 3 two bed apartments and 3 three bed apartments) across four upper floors.
 - A communal roof garden at fourth floor level

- Enclosed bin stores for the commercial and residential units to the rear with access from the adjoining laneway to the east
- 5no. car parking spaces including 1 disabled car space to the front of the premises.
- 18no. bicycle spaces (8no at the front for commercial units and 10 no. bicycle spaces at the rear for residential units).
- Sustainable drainage (SuDs) roof and roof garden are provided for the development and all associated engineering and site works necessary to facilitate the development.

2.2. The proposed scheme was amended at further information stage with changes to overall building height, elevational treatment and internal layout. Changes to the elevational treatment at RFI stage include:

- The removal of a metal clad projecting element to the front elevation
- Changes to fenestration including the introduction of glass and metal curtain walls to windows on the front elevation
- The introduction of render as an external finish to side (east and west) elevations
- The replacement of metal balustrades with 1800mm opaque glass balustrade as a boundary treatment to balconies.

2.3. Table 2.1 below provides a summary of the key elements of the proposed development. Changes proposed at RFI stage are highlighted in **Bold**:

Table 2.1: Site Statistics and Development Details:		
		Original Proposal / Amended Proposal (RFI)
Site Area		0.0459ha (as stated)
No. of Units	Residential	8
	Retail	2
Floor Areas (as stated)	Existing	299sqm
	Residential	770sqm

	Commercial	155sqm	
	Total (new)	946sqm	
Housing Mix	Refer to table 2.2 below. Unchanged at RFI stage		
Density		218dph	
Plot Ratio		2.2 reduced to 1.6 at RFI stage	
Site coverage		54%	
Building Height	Existing	10.268m	
	Proposed	15.9m (16.875m including plant)	
Finishes		Mix of brick, stone cladding, render and metal cladding	
Dual Aspect		100%	
Parking	Car	5	5
	Cycle	18 spaces (8 commercial 10 Residential). Amended at RFI to 16 spaces (8 commercial, 8 residential) .	
Open Space	Public	0	
	Communal	79	

2.5. Table 2.2 below provides detail of the proposed housing mix.

Table 2.2 Housing Mix		
Unit Type	No. of units	%
1 bed apartment	2	25
2 bed apartments	3	37.5
3 bed apartments	3	37.5

2.6. The application is accompanied (inter alia) by:

- Architectural / Urban Design Statement
- Landscape Specifications for Mixed Use Development
- Daylight and Sunlight Assessment

- Building Management Report
- Housing Quality Assessment
- Drainage Design Report
- Traffic counts
- Indicative Masterplan for the surrounding area.

3.0 Planning Authority Decision

3.1. Decision

By Order dated the 10th of May 2023, South Dublin County Council (SDCC) issued notification of a decision to REFUSE permission for the following reasons:

1 Concerns regarding the parking and access arrangements and impacts on traffic in the vicinity of the development have not been addressed. The scheme would result in a dominance of car parking in the Public Realm, contrary to QDP6 Objective 1, QDP6 Objective 6, Section 12.5.4 'Public Realm: (At the Site Level)' and Section 12.7.6 'Car Parking Design and Layout' of the Development Plan 2022 – 2028. In addition, appropriate details for parking management to prevent non-residents utilising surface level car parking have not been provided, the raising of the kerb is not acceptable to the Planning Authority as this will not reduce illegal car parking to the front of the site. Furthermore, there are concerns regarding visibility from the site, given the existing parking arrangements of developments either side of the subject site, and the applicant has not provided appropriate sightlines or accurate plans demonstrating the provision of the required visibility splay. Swept path analysis for larger vehicles such as refuse; deliveries and fire trucks has also not been provided. Without this information it cannot be determined that the scheme would not result in a traffic hazard. In redeveloping the site, significant regard must be had to improving the public realm and traffic arrangements. Proposals that would result in a continuation of unsatisfactory traffic and parking arrangements are not acceptable. On the basis of a lack of information in relation to the aforementioned, it is considered that the scheme would likely result in a traffic hazard and inadequate public realm as a result of the dominance of surface car parking.

2 *The applicant has not reduced the density of the scheme as requested and has not adequately justified the proposal for increased height and density at the site, per Section 12.5.3 'Density and Building Heights', of the Development Plan. Higher density development is acceptable in instances where schemes are well designed and attractive and would provide significant enhancements in relation to public realm and the overall character of the area. It is not considered that the current scheme meets these benchmarks on a performance-basis. The scheme as currently designed would result in a discordant addition to the streetscape, with the building appearing overly tall and bulky. In addition, the relationship with buildings to the rear of the development site is not well-resolved. As currently proposed, the scheme does not comply with Policy QDP3, to 'Support and facilitate proposals which contribute in a positive manner to the character and setting of an area' or QDP7, to 'promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture', of the Development Plan 2022 – 2028. The proposal would interfere with the character of the urban landscape in the area and is therefore not considered to be within the interests of the proper planning and sustainable development of the area.*

3 *The communal open space provided would not be provided with adequate levels of daylight to provide adequate amenity value. In addition, the amenity value of private balconies is not acceptable due to the inclusion of 1.8m obscure balcony glazing, thereby not offsetting the deficiencies of the communal open space. This is contrary to Policy H9 'Private and Semi-Private Open Space', H9 Objective 1, H9 Objective 2 and Section 12.6.7 'Residential Standards'. The absence of public open space and the provision of poor quality private and communal open space are contrary to the Development Plan 2022-2028, would provide poor levels of residential amenity for future occupants and would be contrary to the proper planning and sustainable development of the area.*

4 *The applicant has included underground attenuation as part of their proposals for Sustainable Urban Drainage Systems (SuDS) at the site. Proposals for*

underground attenuation are no longer acceptable to the Planning Authority, save for exceptional circumstances where other SuDS are not feasible (Section 12.11.1(iii) of the Development Plan 2022 – 2028). The applicant has not proposed sufficient natural SuDS and has not demonstrated that other measures are not feasible at the site and as such the SuDS proposals are not acceptable. In addition, the applicant has not demonstrated achievement of the required Green Space Factor (GSF) for the site. GSF is a score-based requirement that establishes minimum standards for landscaping and GI provision in new developments. SuDs interventions make a significant contribution to this scoring using this tool. Minimum scoring requirements are based on the land-use zoning of a site (GI5 Objective 4) and applies to all development comprising 2 or more residential units and any development with a floor area in excess of 500 sq m. The absence of SuDs and the failure to meet the required GSF for the site are contrary to the provisions of the Development Plan and therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Report (December 2022)

The initial report of the Local Authority Case Planner has regard to the locational context and planning history of the site, to local and national planning policy and guidance, and to the third-party submissions and departmental reports received.

The proposal was assessed under the following headings: Zoning and Policy; Part V; Visual and Residential Amenity; Addressing Previous Items Requested as Additional Information (SD22A/0017); Roads; Green Infrastructure; Water Supply and Wastewater; Infrastructure and Environmental Services; Appropriate Assessment; Environmental Impact Assessment. The main issues raised can be summarised as follows:

- The proposed mixed-use development would accord with the 'LC' zoning for the site.

- The submitted Design Statement refers to the outdated 2016 – 2022 Development Plan resulting in deficiencies in the application.
- While the subject site is located outside the boundary of City Edge Project – Strategic Framework (2022), it provides an important connection into this area and should therefore be guided by same. The redevelopment of the site would assist in delivering the objectives of City Edge, however high-quality design is critical.
- While an increase in scale at the site would be acceptable in principle, the scale of the building proposed is not due to the context of the surrounding area, and similar mixed-use developments that have come forward in the area.
- In terms of compliance with the Apartment Guidelines, internal storage areas appear to be deficient.
- In terms of private amenity space, there is a concern about how privacy and amenity can be maintained for future residents of the apartment element, and how the proposal may impact on the development potential of lands to the south.
- In terms of design and visual amenity, the front elevation is monotonous, and the elevational treatment of the building is not of high quality. It will not contribute positively to the streetscape.
- The building should be reduced to three stories.
- Density and plot ratio are considered too high given the context of surrounding development and the site constraints and the existing and future traffic conditions in the area.
- The proposed parking arrangement, while similar to the existing environment is not considered appropriate in terms of the redevelopment of the site.
- In terms of the commercial element, concerns are raised regarding how the units would be accessed, the lack of parking for commercial units and the location of bicycle parking.

- The proposed masterplan provided by the applicant only relates to immediately adjoining properties on Ballymount Road Lower and does not address the context of the site in relation to the redevelopment of lands to the south, along Greenhills Road which is considered an oversight. It is considered that the piecemeal development of this site, and others in the future, will not maximise the development potential of the area, to better address traffic concerns and provide improved open space for a range of users.
- Insufficient detail in relation to use of the rear laneway - there is a concern that this access cannot be guaranteed.
- Concerns raised regarding the usability of the roof top communal open space due to its northern orientation and lack of sunlight.
- The proposal does not require Appropriate Assessment or EIA.
- The report concludes with a recommendation of a request for additional information.

Final Report (May 2023):

The second and final report of the Local Authority Case Planner considers the further information received on 13/04/2023 in conjunction with the additional departmental reports. The main issues raised can be summarised as follows:

- The provision of local retail opportunities is welcomed at this location, and it is recognised that there is opportunity to increase the scale of development at the site to provide residential uses also. This must however be done at an appropriate scale and upgrades to the existing streetscape must be sought to ensure such a development is successful. It is not considered that the current public realm and parking arrangements achieve this.
- The precedents indicated by the applicant to support the height of the building are not reflective of the site and scheme proposed.
- The report considers the proposed amendments to the scheme; however the scheme is not of a sufficient architectural quality to mitigate the impacts of such a high density at the site and the precedent it would set for similar schemes in the area. Further consideration could have been had to creating

an interesting and attractive building, utilising insets and step downs and other measures.

- The provision of 1.8m opaque glazing on the rear balconies would severely impact the amenity of the apartments, providing no aspect of connectivity to the outdoors.
- The report notes that revised masterplan submitted and accepts that this is indicative only however, it is not agreed that the current proposal would set 'a benchmark of quality design by which others can follow.
- Revised internal layouts meet the storage requirements of the Design Standards for New Apartments.
- Bicycle parking / storage for residential units is deficient.
- No public open space is proposed. While a level of flexibility may be applied in certain circumstances where development is proposed on constrained, infill sites, this is subject to the proposal meeting and exceeding other CDP requirements in terms of amenity for future occupants which is not achieved in this case given the poor quality private and communal open space proposed.
- Insufficient information has been submitted in relation to access / parking arrangements; landscaping; the design and maintenance of the roof garden and green roof; boundary treatments and SuDS.
- The proposal in terms of Green Infrastructure and GSF does not accord with the requirements of the Development Plan.
- The report concludes with a recommendation to refuse permission, and this forms the basis of the subsequent SDCC decision.

3.2.2. Other Technical Reports

- **Roads:** The initial report requests additional information on issues relating to visibility at the entrance; parking and swept path analysis. Subsequent report (Dec 2022) requests clarification on the same issues.
- **Public Realm:** Initial report (Dec 2022) requests additional information on issues relating to landscaping, green roof design, SuDS, boundary treatment and green infrastructure. Subsequent report (Dec 2022) recommends refusal

on the basis that the applicants failed to provide any public open space within the development, failed to provide acceptable SuDS scheme, a GI plan and GSF Work Sheet Calculator.

- **Environmental Services / Waste Management:** No objection, subject to condition re the submission of site-specific construction and Demolition Resource Waste Management Plan.
- **Water Services:** No objection subject to condition
- **Environmental Health Officer (EHO):** No objection subject to condition to limit noise and air pollution during the construction phase.

3.3. Prescribed Bodies

- **Uisce Eireann (Irish Water):** both reports received (Dec. 2022 and May 2023) request additional information - watermain and wastewater layouts). Standard conditions recommended (connection agreements).
- **Transport Infrastructure Ireland (TII):** No observations

3.4. Third Party Observations

The Planning Authority received 4 third-party submissions during the course of their determination of the application. The issues raised have been reiterated in the Observations to this first party appeal which are summarised in section 6.4 below.

4.0 Planning History

SD22A/0017: Permission sought (2022) for the demolition of an existing commercial two storey building and the construction of a mixed-use development comprising 2 commercial units with plantroom on ground floor level and 10 residential apartments over 4 floors. The application was withdrawn following a request for additional information.

5.0 Policy Context

5.1. South Dublin Development Plan 2022-2028 (SDDP 2022)

5.2. The appeal site is subject to the zoning objective 'LC' which seeks to protect, improve and provide for the future development of Local Centres. Local centres are described an important aspect of retail provision for the residents of South Dublin providing services and facilities for day-to-day retail for the local catchment. Uses listed as 'permitted in principle' within the zone include residential, local and neighbourhood shops, restaurant / café.

5.3. The following Chapters, Sections and Appendices of the SDCDP are considered of relevant to this assessment:

- Chapter 4: Green Infrastructure
- Chapter 5: Quality Design and Healthy Placemaking
- Chapter 6: Housing
- Chapter 8 Community and Open Space
- Chapter 12 Implementation and Monitoring
 - Section 12.5.3 'Density and Building Heights
 - Section 12.5.4 'Public Realm: (At the Site Level)'
 - Section 12.6.7 'Residential Standards'
 - Section 12.7.6 'Car Parking Design and Layout'
- Appendix 10: Building Height and Density Guide

5.4. The relevant policies and objectives include: -

- **Policy QDP3: Neighbourhood Context** - Support and facilitate proposals which contribute in a positive manner to the character and setting of an area.
- **QDP3 Objective 1:** To ensure new development contributes in a positive manner to the character and setting of the immediate area in which a proposed development is located....

- **QDP3 Objective 6:** To ensure that higher buildings in established areas respect the surrounding context and take account of heights and their impact on light and the negative impact that they may have on existing communities to ensure consistency with regard to Healthy Placemaking.
- **Policy QDP6: Public Realm:** Promote a multi-disciplinary and co-ordinated approach to the delivery and management of the public realm within South Dublin County.
- **QDP6 Objective 1:** To require that all development proposals, whether in established areas or in new growth nodes, contribute positively to the creation of new, and the enhancement of existing public realm. To demonstrate how the highest quality in public realm design is achieved and how it can be robustly maintained over time....
- **QDP6 Objective 6:** To ensure that all new developments but particularly apartment developments where gardens do not form part of the home, make provision for sufficient public realm space to enable the community to enjoy a healthy living environment outdoors but within the boundaries of the development and that no new development whether it be private or social creates a development that downgrades the public realm to an extent that it is insufficient to serve as a healthy place to live, both mentally and physically.
- **Policy QDP7, High Quality Design – Development General:** Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.
- **Policy H9 ‘Private and Semi-Private Open Space’**, Ensure that all dwellings have access to high quality private open space and semi-private open space (where appropriate) and that such space is carefully integrated into the design of new residential developments.
- **H9 Objective 1:** To ensure that all private open spaces for houses and apartments / duplexes including balconies, patios, roof gardens and rear

gardens are designed in accordance with the qualitative and quantitative standards set out in Chapter 12: Implementation and Monitoring.

- **H9 Objective 2:** To ensure that the design and layout of new apartments, or other schemes as appropriate, ensures access to high quality and integrated semi-private or communal open space that supports a range of active and passive uses
- **GI5 Objective 4:** To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2).

5.5. **City Edge Project – Strategic Framework (2022).** The City Edge Project is a joint initiative between South Dublin County Council (SDCC) and Dublin City Council (DCC) to create a new liveable, sustainable and climate resilient urban quarter at the western edge of Dublin City. The project area covers 700 hectares within the Naas Road, Ballymount and Park West areas

5.6. **National Policy and Guidance:**

- Project Ireland 2040 National Planning Framework, Government of Ireland (2018).
- Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)
- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 2024)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (July 2023).

- Urban Development and Building Heights Guidelines for Planning Authorities, Department of Housing, Planning and Local Government, (2018).

5.7. Natural Heritage Designations

The appeal site is not located in or in the immediate vicinity of any sites with a natural heritage designation. The nearest Natura 2000 site is the Glenasmole Valley SAC (Site Code 001209), c. 7km southwest of the site. There are several other Natura 2000 sites in the inner Dublin Bay area (c.8+kms to the east), including South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North Bull Island SPA and North Dublin Bay SAC. There are no direct pathways between the site and the Natura 2000 network.

5.8. EIA Screening

See completed Form 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in schedule 7 of the regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has appealed the decision of SDCC to refuse permission. The grounds of appeal can be summarised under the following headings:

Refusal Reason 1 – Access / Parking arrangements

- In response to the concerns raised by the Planning Authority in their first reason for refusal the applicants have presented a number of options for consideration by the Board, as follows:

- Limit car parking numbers to levels that the Board / SDCC are happy with. This acknowledges the local centre location, in close proximity to proposed high quality public transport (BusConnects).
- The space is retained for provision of a set down / layby area for delivery trucks and other large vehicles to serve the retail element. Deliveries to the retail units could be actively managed with specified time. At all other times the layby could be for set down purposes only and / or limited parking times.
- Provision for signage (by agreement with SDCC post-planning), outlining time limits on parking and specifying that spaces be actively managed and/or
- Include a requirement to retain the services of a third-party agency to actively manage any permitted parking spaces.
- The Board could also consider permitting the parking spaces on a temporary basis until such time as SDCC prepare a framework/public realm plan for the area.
- With respect to visibility splays the following points are noted:
 - This is a well-established site in a local neighbourhood centre. given the small scale of development proposed traffic and parking arrangements will not materially increase the traffic in the area.
 - There is a historic legacy of parking to the front of the site with no recorded traffic hazard or accidents.
 - Traffic existing the roundabout will be slow moving, decreasing the risk of traffic hazard.
 - The Board granted a Take-away in the vicinity of the site setting a precedent for traffic generating uses.
- With respect to larger vehicles, it is suggested that the site can be serviced easily from Ballymount Road Lower – onto which the site fronts.

Refusal reason 2 – Building Height and Density

- The proposal would set a positive precedent and present as a catalyst for future development of the adjoining sites.
- Concerns raised by the Forward Planning Section of SDCC (included in the report of the Case Planner), in relation to the design approach and its impact on the streetscape were addressed at further information stage.
- The applicants have received mixed messages regarding the height/scale of the proposed development and its appropriateness for the site.
- The NPF supports increased density and building height.
- Given the relatively small scale of the development with just 8 units above retail, there should be a reasonable degree of tolerance applied. It is considered that the building as proposed, represents a good quality approach to urban infill development.

Refusal Reason 3 – Open Space

- The open space at roof top level is the only achievable way to provide shared open space on this site.
- There is extensive green infrastructure within proximity to the site.
- The only feasible way to improve private open space is to remove the set back from the design and dedicate the entire roof to shared open space.
- Balcony Screening: -The applicants are happy to accept a condition limiting the height of the screening on the balconies to a level that the Board feels is appropriate. Setting the building back from the rear boundary would result in the loss of units.

Refusal Reason 4 – Surface Water Drainage

- The appeal is accompanied by a Drainage Report which outlines that the rationale behind the approach follows SDCC guidelines. The attenuation tank proposed is not the primary SuDS feature and serves as an additional support system only. It is possible to design a solution without an attenuation tank, but this is neither required or necessary in order to meet the regulations.

Amended Design Option

- The appeal requests that the Board considers the proposal as submitted to SDCC but offers an amended design option for consideration. The revisions involve the omission of one storey and amendments to the front elevation showing insets to add further character.

6.2. Planning Authority Response

- In response to the first party appeal SDCC confirms its decision to refuse permission and states that the issues raised in the appeal have been covered in the planner's report.

6.3. Observations

4 Observations received from:

- Sean O'Byrne
- Rose Reilly
- Bridget Boyd
- John O'Brien

The observations received support the decision of SDCC to refuse permission for the proposed development and reiterate the concerns raised in the third-party submissions to the Planning Authority. The main issues of concern can be summarised as follows:

- Overdevelopment of the site: the proposed scheme due to its mass, scale, and height is excessive and would have a **domineering effect on surrounding residential properties**. The scheme does not provide **appropriate transition in scale or have due regard to nature of surrounding urban morphology** – would be overbearing and incongruous on the streetscape
- Impact on residential amenity – by way of **overlooking, overshadowing, overbearing and noise**.
- Potential damage to cottages opposite as a result of **construction works**
- Negative impact on development potential of adjoining property

- The proposed scheme would undermine the development potential and **depreciate the value** of property in the area.
- The proposed scheme would add to **traffic congestion**. Extra traffic poses safety concerns. No traffic management plan – full traffic survey required. The section of Ballymount road Lower is narrow and has no pedestrian crossing.
- **Limited parking** for residents and retail units – cumulative effect will make parking unsustainable and dangerous and cause further congestion at the roundabout.
- Lack of cohesive plan for the area (Walkinstown roundabout).

7.0 Assessment

7.1. Introduction

- 7.1.1. This case relates to a first-party appeal against the decision of SDCC to refuse permission for a mixed-use development at 1-2 Ballymount Road Lower, Dublin 12. The development was amended at RFI stage with alterations to the elevations and internal layout. For clarity it is this amended scheme that forms the basis of this assessment.
- 7.1.2. The appeal is submitted in support of the scheme upon which SDCC based their decision to refuse; however, it does include an alternative design option for consideration by the Board. The main element of the amended design option is the removal of one floor resulting in a reduction in the overall height and scale of the proposed mixed-use building and the loss of 2no. apartments. I consider that the proposed amendments are unlikely to give rise to material considerations for third parties and on this basis, I have no objection to its consideration as part of the appeal.
- 7.1.3. Having inspected the site and examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal are as follows:

- The Principle of Development
- Urban Form – Density, Height and Design
- Residential Amenity – Future Occupants
- Access and Parking Arrangements
- Drainage and Green Infrastructure
- Other Matters
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The proposed scheme comprises the demolition of an existing commercial building and the construction of a new five storey mixed use building comprising two ground floor commercial units and eight apartments.

Demolition

- 7.2.2. The building for demolition is not a protected structure nor does it appear to be of any particular historic, architectural, cultural or artistic interest that would deem it worthy of retention. Accordingly, I have no objection to the demolition of this building.

Zoning:

- 7.2.3. The proposed development is located on Ballymount Road Lower on lands zoned Local Centre (LC) with an objective '*to protect, improve and provide for the future development of Local Centres*'. Local centres are described as an important aspect of retail provision for the residents of South Dublin County providing services and facilities for day-to-day retail for the local catchment. It is an objective of the SDDP (EDE14 Objective 1) *To support the development and enhancement of local centres as sustainable, multifaceted, retail led mixed use centres, enhancing local access to daily retail needs, which do not adversely impact on or draw trade from higher order retail centres.*

- 7.2.4. Uses listed as 'permitted in principle' within the 'LC' zone include residential, local and neighbourhood shops, restaurant / café.
- 7.2.5. The proposed development would retain the existing ground floor commercial use in two retail units with GFA's 66.6sqm and 87.6sqm. The applicants have stated that the retail uses would cater for local need only. The upper floor apartments would contribute to the vitality of the area and the consolidation of the existing built environment.

Conclusion:

- 7.2.6. I am satisfied that the proposed development would maintain and strengthen the local centre and would be consistent with the LC zoning objective, and I have no objection, in principle, to the demolition of the existing building or the construction of a mixed-use commercial and residential development in its place.

7.3. Urban Form – Design, Density and Building Height

- 7.3.1. The National Planning Framework (hereafter NPF) is the Government's high-level, strategic plan for shaping the future growth and development of the Country to 2040. The NPF forecasts that Ireland will continue to experience population growth above the EU average over the next 20 years, with an expected increase of around one million people above 2016 levels by 2040. The strategy seeks to accommodate this growth in a sustainable way, focusing on 10 national strategic outcomes, including Compact Growth, whereby an emphasis is placed on the renewal of existing settlements, rather than continued sprawl. In order to achieve compact growth, it will be necessary to support more intensive use of existing buildings and properties, particularly those in areas well served by public transport. To this end, national planning policy and guidance seeks to promote higher densities and taller buildings in all existing built-up areas, subject to the protection of historic fabric, character, amenity, natural heritage, biodiversity, and environmental quality. This policy position is reflected in the SDCCP 2022, which promotes a context driven approach to density and building heights, as supported by the Building Heights and Density Guide (SDCCP Appendix 10).

- 7.3.2. Regarding the proposed scheme, the Planning Authority in their assessment of the application, had regard to 'LC' zoning and strategic location of the site, just outside the boundary of the 'City Edge Project' and determined that some intensification of the site could be considered. However, as set out in Refusal Reason 2, the Planning Authority were not satisfied that the scheme presented for consideration was of sufficient design quality to justify the increase in density and height proposed. They considered that the proposed scheme failed to have due regard to the context of surrounding development, including existing properties to the south and that it would result in a discordant addition to the streetscape.

Proposed Scheme

- 7.3.3. The proposed scheme would see the existing double height commercial unit on site demolished and replaced with a new mixed-use, commercial / residential, building on the same footprint (site coverage c54%). The building would have five storeys, with the fifth storey recessed c5m from the front building line; the recessed space would be utilised as communal open space for residents of the apartments. The building would have an overall ground to ridge height of 16.875m, exceeding the height of the adjacent two-storey building to the east by c8.25m and the neighbouring two-storey terrace to the west by c7m. It would extend the full width of the site with a set-back ranging from c1.5m to 3m from the southern (rear) site boundary, this boundary is shared with existing commercial units on the Greenfield Road. The existing front building line would be retained and the public realm area to the front, along Ballymount Road Lower, laid out to accommodate parking for 5no vehicles, including one disability parking space. Proposed works to the public realm would include permeable paving to the parking area, a raised planter, safety bollards and bicycle parking.
- 7.3.4. The building would contain two ground floor retail units and eight apartments across the four upper floors. The apartments would be dual aspect with main living areas and amenity spaces (balconies) to the south. The design of the building is that of a standard block format with a fifth storey recess and flat roof. Material finishes include a mix of brick, stone cladding and render with metal cladding introduced at fifth storey.

Density

- 7.3.5. In terms of Density, regard is had to the new Compact Settlement Guidelines (2024) which replace the now revoked 'Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009)'. Section 3.3 sets out a series of settlement and area types and recommends density ranges that should be applied each. Table 3.1 states that 'City - Urban Neighbourhoods' in Dublin include lands around existing or planned high-capacity public transport nodes or interchanges all within the city and suburbs area, and that it is a policy and objective that residential densities in the range of 50dph to 250dph (net) should generally be applied in such areas.
- 7.3.6. Table 3.8 defines 'High-Capacity Public Transport Node or Interchange' to included locations within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop, and I note that two of the planned Bus Connects routes will pass through the Walkinstown Roundabout adjacent to the site. On this basis I am satisfied that the site is within a 'City - Urban Neighbourhood' and that the stated density of the proposed development at 218dph would fall within the acceptable density range for this area type. However, regard is had to Section 3.3.6 of the Guidelines which state that in the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in Chapter 3. In this case, given the small infill nature of the site, its location within the streetscape and the prevailing pattern of development in the immediate vicinity, which is characterised by one and two storey buildings of traditional form and design, I consider section 3.3.6 of the Compact Settlement Guidelines relevant in the assessment of this appeal.

Building Height

- 7.3.7. As noted above the proposed building would be five stories (16.875m in height) The proposed five-storey building would exceed the prevailing building height in the area which is predominantly two-storey. To the north of the appeal site, on the opposite side of Ballymount Road Lower, lies a row of single storey cottages. A three-storey

commercial building exists c55m to the northeast, at the junction of Walkinstown Avenue and Walkinstown Town Road (R819) while permission has been granted (ABP314103-22) for a four to six -storey mixed-use development further east, at the junction of Walkinstown Town Road (R819) and the R818. Notably taller buildings in this area (existing and proposed) are sited at junctions on the Walkinstown Roundabout, such locations are I consider suitable sites for taller buildings as they can act as 'landmarks' contributing to legibility and a sense of place.

- 7.3.8. The SDCDP does not set out blanket building height limitations, instead it relies on adherence to the requirements set out in the Urban Development and Building Height Guidelines with the aid of through the implementation of the Assessment Toolkit set out in the South Dublin County's Building Heights and Density Guide 2021 (SDCDP Policy QDP8 relates). The County's Building Heights and Density Guide is set out in Appendix 10 of the development plan and is reflective of the principles of the Building Height Guidelines.

Assessment

- 7.3.9. I have considered the plans and particulars submitted with the application and appeal, including the applicants Architectural Design Statement, in view of the assessment criteria set out in the Urban Development and Building Height Guidelines (2018) and the South Dublin County's Building Heights and Density Guide 2021 as well as my observations during site inspection. The following represents my opinion of the proposed scheme and how it responds to its receiving environment.
- 7.3.10. The appeal site is located within a designated local centre and is within easy walking distance of a range of local shops and services. The area is well connected in terms of public transport with numerous bus routes converging at the Walkinstown Roundabout and planned improvements under the NTA's BusConnects Scheme. The site, currently occupied by a single commercial unit, is underutilised and therefore the opportunity exists for suitable intensification. However, the development potential of the site is restricted due to its small scale and infill nature, its position within the streetscape and the prevailing pattern of development in the

area. The site is not of sufficient scale to define its own character and density and therefore any new development should respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity. This approach would accord with current Section 28 Guidance and the provisions of the SDCDP.

- 7.3.11. A Landscape and Visual Impact Assessment was not submitted with the application; however, the application is accompanied by photomontages which provide a comparison of the existing and the proposed development as viewed from Ballymount Road Lower and from the Walkinstown Roundabout. Having visited the site and surrounding area I also consider that the upper floors of the building would be visible from the Greenhills Road and surrounding road network.
- 7.3.12. The photomontages submitted indicate that the proposed building would form a highly prominent feature in the streetscape. In my opinion, the height of the proposed building in combination with its bulk, heavy block form and design would represent a significant variance from the established pattern and character of the area to the degree that it would appear incongruous. While the design of the building may be acceptable in the right context, I am not satisfied that it is appropriate in this setting as it would appear at odds with the more traditional style two storey development on either side as well as the single storey cottages to the north.
- 7.3.13. The public realm to the front of the site currently provides parking for staff and customers of the existing commercial building. In accordance with SDCDP Policy QDP6 and its associated objectives (objectives 1 and 6), all development should contribute positively to the creation of new, and the enhancement of existing public realm. Developments schemes, particularly those involving new apartments, should include proposals that enhance the urban setting, promote greater connectivity and permeability and contribute to a healthy living environment. Parking should not be the dominant feature. In my opinion, the proposed scheme does not achieve these criteria. Under the current proposal, parking would be retained as the dominant feature. Pedestrians, cyclists and vulnerable road users would have to navigate the parking area to access the building. While the use of safety bollards to define the parking area would add to visual clutter. In my opinion the space offers little in terms

of amenity value for future occupants. Overall, I am not satisfied that the proposed scheme would contribute in any meaningful way to an improvement of the existing public realm.

7.3.14. In terms of the proposed building and how it relates to adjoining properties, I note that the Planning Authority are not satisfied that due consideration was given in the design process to the neighbouring properties to the south. Essentially, they are not satisfied that the proposed scheme due to its design, which includes extensive glazing and balconies on its southern elevation, and its proximity to the site's southern boundary, would ensure an adequate level of privacy and amenity for the apartment units can be maintained, without compromising the development potential of neighbouring properties to the south. I consider this a reasonable concern given the context of the site, the established built environment and the potential for redevelopment in the area.

7.3.15. Observers to this first party appeal are concerned that the proposed building would have a negative impact on the residential amenities of the neighbouring single storey cottages to the north by way of overlooking, overbearing and overshadowing. Whilst I acknowledge that the scheme would be highly visible when viewed from the front of these dwellings, the orientation of the buildings and the separation distances between the existing and proposed structures (+25m) would, I consider, be sufficient to ensure no significant undue impacts occur. Furthermore, I note that the Daylight and Sunlight Analysis submitted with the application, demonstrates that the proposed development would not result in any undue overshadowing of adjacent properties.

7.3.16. **Conclusion**

7.3.17. Notwithstanding the presumption in favour of increased density and building height in urban areas with good public transport, I agree broadly with the position of planning authority that the proposed mixed-use scheme would, due to its height, density, scale, form and design, its inappropriate treatment of the public realm and its failure to adequately consider its relationship with the neighbouring properties to the south, result in a discordant addition to the streetscape that would detract from rather than

contribute to the character and setting of the area. The proposed scheme would therefore be contrary to the policies and objectives of the SDCCP 2022-2028 including, Policy QDP3 and its associated objective 1 which seeks to ensure new development contributes in a positive manner to the character and setting of the immediate area in which it is located and Policy QDP6 and its associated objectives 1 and 6 which require that all development proposals, whether in established areas or in new growth nodes, contribute positively to the creation of new, and the enhancement of existing public realm.

- 7.3.18. Regarding the applicant's alternative design proposal submitted to the Board for consideration. This proposal would see an overall reduction in the height of the proposed building to from 15.9m to 12.9m (13.725m including plant) though the omission of one storey and the loss of 2no. apartments. While I accept that a reduction in the height of the proposed structure would reduce its bulk its dominance in the streetscape, I am not satisfied this would be sufficient to address the concerns outlined above. In my opinion the overall design concept is flawed in that it fails to have due regard to its location and to the design, scale and form of surrounding development. On this basis I recommend that permission for the development be refused.

7.4. Residential Amenity – Future Occupants

- 7.4.1. On the issue of residential amenity, regard is had to the policies and standards set out in the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (updated 2023), the new Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and the South Dublin County Development Plan 2022-2028 (SDCCP). It is of relevance to note that where specific planning policy requirements (SPPRs) are stated in the aforementioned Section 28 Guidelines, these are to take precedence over any conflicting policies or objectives contained in the development plan. It is also of relevance to note that the Apartment Guidelines allow for a relaxation in standards for building refurbishment schemes on sites of any size or urban infill

schemes on sites of up to 0.25ha, on a case-by- case basis and subject to the achievement of overall high design quality in other aspects.

7.4.2. I proposed to assess the subject scheme under the following headings:

- Apartment Mix and Design Quality
- Open Space
- Parking Provision

Apartment Mix and Design Quality:

7.4.3. In terms of apartment mix, Specific Planning Policy Requirement 2 (SPPR2) of the Apartment Guidelines is relevant. SPPR 2 states, in respect of refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha, that there shall be no restriction on dwelling mix in scheme of up to 9 residential units, provided that no more than 50% of the development comprises studio-type units. The proposed scheme includes for a total of 8no. apartments in the form of 2no. one-bedroom units (25%), 3no. 2-bedroom units (37.5%) and 3no. three-bedroom units (37.5%). No studio apartments are proposed. The scheme would therefore accord with SPPR2.

7.4.4. SPPR 3 of the Apartment Guidelines requires minimum floor areas of 45sqm for 1-bedroom apartments, 73sqm for 2-bedroom apartments (4 persons) and 90sqm for three-bedroom apartments. Provision is also made in the Guidelines for 2-bedroom apartments to accommodate 3 persons, subject to a minimum floor area of 63sqm; however, the Guidelines state that no more than 10% of the total number of units in any private residential development may comprise this category of two-bedroom apartment. The Housing Quality Assessment (HQA) submitted with the application indicates that all apartments meet or exceed the minimum floor area requirements set out in SPPR3. However, it is noted that all 2-bedroom apartments, which account for 37.5% of the total number of units proposed, are designed, in terms of bedroom sizes, as three person units. It is further noted that the aggregate living area for the 3no. 3-bedroom apartments at 32sqm falls short of the minimum standard of 34sqm (appendix 1).

- 7.4.5. Floor to ceiling heights for all apartments exceed the recommended standard of 2.4m. All proposed units are dual aspect and, as demonstrated by the Daylight / Sunlight Assessment submitted with the application, would achieve adequate levels of sunlight in accordance with approved BRE standards. The internal layout of the apartments was amended at RFI stage to meet requirements for internal storage as set out in the Apartment Guidelines. A communal refuse storage area is proposed to the rear of the building. This area is enclosed and easily accessible. Bicycle storage for the apartments is also proposed to the rear of the building.
- 7.4.6. In terms of accessibility the proposed apartment units are to be served by a centrally located stairway and lift core that is separate from the ground floor retail units. This space can be accessed from both the front and rear of the building. The front entrance will benefit from passive surveillance from Ballymount Road Lower while the rear of the premises is to be served by a gated entrance off the adjoining laneway, which is also gated.

Conclusion: Apartment Mix and Design Quality

- 7.4.7. Notwithstanding the discrepancies identified above, I have no significant objection to the proposed apartment scheme in terms of apartment mix or unit size. The proposed apartment scheme would contribute to the housing mix in the area and I am of the opinion that the proposed apartments are of sufficient size to provide an adequate level of amenity for residents.

Open Space

- 7.4.8. The Planning Authority in their third reason for refusal consider that the proposed scheme due to the absence of public open space and the provision of poor quality private and communal open space would provide for a poor level of residential amenity for future occupants.

Public Open Space:

- 7.4.9. Table 8.2 of the SDDP details an overall standard of 2.4ha of public open space per 1,000 population. This equates to 24sqm per person. As per COS5 Objective 5, the proposed scheme has the potential occupancy rate of 18 which equates to an overall public open space requirement of 432sqm. Table 8.2 also details a requirement that a minimum of 10% of the total site area be provided as public open space for new residential developments, this equates to requirement for 46sqm of public open space within the site.
- 7.4.10. No public open space is proposed as part of the proposed scheme. Given the infill nature and limited site size, I would be of the view that, outside of general improvements to the public realm to the front of the building, it would be difficult to provide functional public open space within the site. In such circumstances, provision is made within the SDCDP (COS5 Objective 7) for a pro rata contribution in lieu of public open space provision. I consider this a reasonable solution in this case. As such I would recommend that in the event of a grant of permission the Board seek a financial contribution within the terms of Section 48 of the Planning and Development Act 2000 (as amended) in lieu of public open space provision within application site. I note that this approach would accord with Policy and Objective 5.1 of the Compact settlement guidelines.

Private Amenity Space:

- 7.4.11. It is a policy requirement of the Apartment Guidelines that private amenity space in the form of balconies be provided for above ground floor apartments. Consideration must also be given to certain qualitative criteria including the privacy and security of the space in question in addition to the need to optimise solar orientation and to minimise the potential for overshadowing and overlooking.
- 7.4.12. Each of the proposed apartment units is provided with a south facing balcony that either meets or exceeds the minimum area standard stipulated in the Guidelines. All balconies have a depth of 1.5m, which accords with the minimum standard.
- 7.4.13. The Planning Authority in their initial assessment of the application raised concerns regarding the long-term privacy and amenity value of the proposed balconies due to

the limited separation distance to the southern site boundary (c1.5m to 3m), and the development potential of adjoining properties to the south, along Greenhills Road. This issue was raised at RFI stage which resulted in the applicants amending the design of the balconies to include 1800mm high opaque glass screens. The Planning Authority deemed this an inappropriate design intervention stating that it would severely impact the amenity of the apartments, providing no aspect of connectivity to the outdoors. I would share the Planning Authorities concerns in this regard.

Communal Amenity Space:

- 7.4.14. The proposed scheme includes for the provision of 79.3sqm of communal open space in the form of a roof top garden at fourth floor level. The space is proposed on the northern elevation of the building directly adjoining the two 1-bedroom apartments, units 7 and 8. The area designed with planters and outdoor seating. While the quantum of space proposed would exceed the minimum standard set out in the Apartment Guidelines (55sqm), I would agree with the concerns raised by the Planning Authority that this space would provide limited amenity value for future occupants particularly as it has been shown in the applicants Daylight and Sunlight Assessment that this space would not achieve the minimum approved standard for sunlight, of 2 hours sun on the ground for 50% of its area on 21st March.

Open Space Conclusion:

- 7.4.15. Overall, I would agree with the position of the planning authority as expressed in Refusal Reason 3, that the proposed scheme due to the absence of public open space and the provision of poor quality private and communal open space would provide for a poor level of residential amenity for future occupants. While I note that the apartment guidelines do allow for a relaxation in the standards for both private and communal amenity space, in part or in whole, in urban infill schemes on sites of up to 0.25ha, this would be subject to overall design quality. In my opinion, the identified deficiencies in the quality and amenity value of both private and semi-private open space, would in addition to the lack of public open space and any meaningful improvements to the public realm, unduly compromise the level of privacy and amenity afforded to future occupants of this scheme.

Parking Provision:

- 7.4.16. In this section I intended to consider both car and bicycle provision for the apartments. Broader issues relating to access and parking arrangements are considered elsewhere in this report.

Car Parking

- 7.4.17. The proposed scheme includes for the provision of 5no on-site parking spaces (including one disabled parking bay) to the front of the proposed mixed-use building. It is stated in applicants Architectural and Urban Design Statement that parking is for the use of residents and customers of the retail units however no details on how the parking facilities are to be allocated or managed have been provided.
- 7.4.18. In terms of the parking requirements for the proposed apartment units, I would be of the opinion, having regard to the location of the proposed development in an urban neighbourhood of Dublin City and in close proximity to a planned high frequency bus service (BusConnects), that parking provision for this scheme could be minimised, substantially reduced or wholly eliminated in accordance with SPPR 3 of the Compact Settlement Guidelines. However, this would be subject to the overall mobility needs of residents being met, particularly though the provision of adequate bicycle parking and storage facilities.

Bicycle Parking and Storage (New Issue):

- 7.4.19. The Apartment Guidelines 2023 provide that a general minimum standard of 1 cycle storage space per bedroom and 1 space per 2 residential units for visitors will be provided. This accords with the standards set out in the SDDP 2022. The new Compact Settlement Guidelines include a specific planning policy requirement (SPPR4) for cycle parking and storage. SPPR4 states that in the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied and that visitor cycle parking should also be provided. It continues to state that provision should be made for larger/heavier cargo and electric bikes, that cycle storage

facilities should be provided in a dedicated facility of permanent construction, within the building footprint and that it is best practice that either secure cycle cage/compound or preferably locker facilities are provided.

7.4.20. The total number of bicycle parking of spaces required for the 8no apartments is 21, 17 for residents and 4 for visitors. The retail units would generate a need for 3 visitor spaces and one space for every 5 staff.

7.4.21. The development as amended at FI stage provides for a total of 16 bicycle parking bays. 8no for the commercial element to the front of the building and 8no for the apartments to the rear in the form of a vertical bike rack enclosed in a lockable tubular metal enclosure. The quantum of bicycle parking provided for the commercial units is I consider acceptable, and I am satisfied that these spaces could also be used to facilitate parking for visitors to the apartments. However, the quantum of parking for residents is seriously deficient with no provision for larger heavier cargo vehicles or electric bikes. Furthermore, the scope of providing additional / improved bicycle parking within the proposed scheme is limited.

7.4.22. The alternative design option presented to the Board for consideration would see a reduction in the overall number of apartments proposed within this to 6no and a subsequent reduction in the quantum of bicycle parking required to 15 (12 for residents and 4 for visitors). However, this would still result in a deficiency (c33%) in bicycle parking for residents.

Parking Provision Conclusion.

7.4.23. Given the lack of adequate bicycle parking and storage facilities proposed, I am not satisfied that the mobility needs of future residents of the scheme would be met. This is a new issue, and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

7.5. Access and Parking Arrangements

- 7.5.1. At present the appeal site can accommodate parking for 12no vehicles in double bank bays (effectively 6no. spaces) to the front of the commercial premises and with direct access from Ballymount Road Lower. The current situation while reflective of existing parking access / arrangements for commercial units along this section of Ballymount Road Lower, is not optimal from a traffic / pedestrian safety perspective, particularly given its location in a highly trafficked area in proximity to the Walkinstown Roundabout (c38m), a major traffic node in the area. Existing access and parking arrangements also contribute to a poor-quality public realm.
- 7.5.2. Under the proposed scheme the space to the front of the site would be redesigned to accommodate 5no car parking spaces (including 1no disability space) in two opposing rows. Provision is also made for 8no bicycle parking bays to serve the commercial units. Safety bollards are proposed to define the parking area which is to be accessed by a single point off Ballymount Road Lower.
- 7.5.3. The planning authority as set out in their assessment of the application and in their decision to refuse permission (Refusal Reason No.1), were not satisfied that the proposed access / parking arrangements would adequately address existing traffic safety issues in the area. The proposal would lead to traffic reversing onto the public road at a point where visibility is restricted and would not reduce illegal on street parking to the front of the site. The lack of detail provided in relation to the management of the proposed parking facilities as well as access for larger delivery, refuse vehicles etc was also raised as a concern.
- 7.5.4. The grounds of appeal acknowledge the concerns raised by the planning authority but are unclear as to how to proceed in the absence of direction from SDCC. Notwithstanding, they have presented various options for consideration by the Board, which can be summarised as follows:
- A limit on the number of parking spaces
 - The provision of set down/ layby area with priority for delivery vehicles
 - The use of signage to manage the parking area with time limits etc

- The use of a third-party agency to actively manage the parking area.
- With respect to larger vehicles, including delivery and refuse vehicles, it is suggested that the site can be serviced easily from Ballymount Road Lower.
- It is also suggested that the proposed parking arrangements be permitted on a temporary basis until such time as a framework / public realm plan is prepared for the area.

7.5.5. I have reviewed the plans and particulars submitted with the application and appeal and inspected the site. In my opinion, opportunity does exist to improve traffic safety at the site while also enhancing the quality of the public realm with improved connectivity and permeability for pedestrians etc. This would likely necessitate not only a reduction in the quantum of parking on site but also in the quantum of land dedicated to parking. However, any proposed parking / access arrangements would have to be carefully considered to ensure that they can operate safely and effectively within the context of the surrounding development and road network. An emphasis would need to be placed on improved connectivity and permeability for pedestrians and venerable road users and I would argue that any parking / set down facilities proposed should be designed and managed in the first instance, to support the needs of the retail units - given the designation of these lands as a 'local centre'.

7.5.6. In conclusion, I agree with the Planning Authority that the proposal as presented would result in a continuation of unsatisfactory traffic and parking arrangements and poor-quality public realm. The proposal if permitted would set an undesirable precedent for future development proposals in the area. Furthermore, I am not satisfied that these concerns can be adequately addressed by way of condition / simple redesign. On this basis I recommend that permission be refused.

7.6. Drainage and Green Infrastructure

7.6.1. Refusal reason 4 relates to the applicants' proposals for Sustainable Urban Drainage Systems (SuDS) and the failure to demonstrate achievement of the required Green Space Factor (GSF) for the site.

- 7.6.2. In relation to SuDS, the Planning Authority raised concerns regarding the insufficient use of natural SuDS features on site and the proposed use of underground attenuation.
- 7.6.3. South Dublin County Council's requirements in respect of Sustainable Urban Drainage are set out in Section 12.11.1(iii) of the SDCDP. Here it is stipulated that, in general, all new developments will be required to incorporate Sustainable Urban Drainage Systems (SuDS) including devices such as swales, permeable pavements, filter drains, storage ponds, constructed wetlands, soakways and green roofs. In some exceptional cases and at the discretion of the Planning Authority, where it is demonstrated that SuDS devices are not feasible, approval may be given to install underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required water quality.
- 7.6.4. The applicants' proposals for surface water drainage are set out in the Drainage Design Report submitted with the application and in a supplementary report submitted as part of the appeal documentation. The proposal includes for the provision of permeable paving to all private parking spaces, a green roof of 210sqm and a substrate depth of 200mm and a hydroplanter. Excess surface water is to be collected and discharged to an underground attenuation tank. An overflow outlet is then connected to a manhole fitted with hydrobrake flow control device and penstock valve which in turn will discharge to the existing public surface water sewer on Ballymount Road Lower.
- 7.6.5. This is a brownfield site with 100% coverage (building and hard surfacing). Existing surface water drainage is by means of a connection to the existing public sewer along Ballymount Road Lower. The redevelopment of the site as proposed, would see the introduction of Sustainable Urban Drainage Systems (SuDS) devices including permeable paving and green roof which would represent an overall improvement to surface water management on site. The proposed underground attenuation tank is designed only to supplement the proposed SuDS features. Given the small scale and infill nature of the subject site and its location within the built-up area, I consider the applicants drainage proposals to be acceptable, in principle, and I note that SDCC's Water Services Department did not raise any issues or concerns with the

proposals as presented. Detailed design specification would be required for agreement by the Planning Authority in advance of any works. This may be addressed by way of standard condition in the event of a grant of permission.

- 7.6.6. The introduction of permeable paving and a green roof system as part of the proposed development also would contribute positively to the schemes Green Space Factor. While I accept that it has not been demonstrated that these measures would be sufficient to achieve the required GSF score for 'LC' zoned lands, I anticipate that this score would be difficult to achieve given the constraints of the site. Notwithstanding, I consider that further GI Interventions could be introduced into the scheme to address any shortcoming. Such measures may include for example, enhanced landscaping proposals which incorporate new native tree and plant species and pollinator friendly species, the provision of bird boxes and bee bricks. Again, I consider that this may be adequately addressed by way of condition in the event of a grant of permission.

7.7. Other

- 7.7.1. The application as originally presented to the planning authority included a 'masterplan' for the redevelopment of existing commercial strip along Ballymount Road Lower. This Master plan was amended and expanded at RFI stage. The purpose of the masterplan was to demonstrate how the proposed development would 'fit' within the context of a changing environment with the anticipation that the redevelopment of this site would act as a catalyst for further future development in the vicinity. The Board should note however that this 'masterplan' has no statutory basis and that the applicants have no control over the lands outside of the proposed development site to influence its implementation. Therefore, while the plan may be of benefit for illustrative purposes, it does not, in my opinion, have any material bearing on the assessment of this application.
- 7.7.2. Concerns are raised by Observers that the proposed construction phase could have a negative impact on the structural stability of adjacent properties and that it would generate noise. I acknowledge that noise and vibrations impacts are likely to occur

during the construction phase as a result of ground preparation / excavation works and plant and machinery movements etc and that this may result in temporary and short-term disturbance. However, this would be normal for the construction phase of any development, and I am satisfied that subject to implementation of best practice control measures no significant impacts are likely.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 8.2. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the Glenasmole Valley SAC (Site Code 001209), c. 7km southwest of the site. There are several other Natura 2000 sites in the inner Dublin Bay area (c.8+kms to the east), including South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North Bull Island SPA and North Dublin Bay SAC. There are no direct pathways between the site and the Natura 2000 network.
- 8.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- The nature and small-scale of the development.
 - The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats,
 - The absence of direct ecological pathways to European Sites.
- 8.4 I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

- 9.1. I recommend that permission for this development be refused for reasons outlined below.

10.0 Reasons and Considerations

- 1 Having regard to the policies and objectives of the South Dublin County Development Plan 2022-2028, notably Policy QDP3, Neighbourhood Context and its associated objective, Objectives 1 which seeks to ensure new development contributes in a positive manner to the character and setting of the immediate area in which a proposed development is located, and Policy QDP6 and its associated objectives 1 and 6, which require that all development proposals, whether in established areas or in new growth nodes, contribute positively to the creation of new, and the enhancement of existing public realm and having regard to the small scale and infill nature of the site, its location within the streetscape and the prevailing pattern of development in the vicinity, the Board considers that the proposed development due to its height, density, bulk, form and design, its inappropriate treatment of the public realm and its failure to adequately consider its relationship with the neighbouring properties to the south, would result in a discordant addition to the streetscape, would impact the development potential of adjoining properties and would detract from rather than contribute to the character and setting of the area. The proposed development would, therefore, conflict with the stated policies and objectives of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2 Having regard to policies and objectives of the South Dublin County Development Plan 2022-2028 in respect of residential amenity notably Policy H9 'Private and Semi-Private Open Space' and its associated objectives which seeks to ensure that all dwellings have access to high quality private

open space and semi-private open space (where appropriate) and that such space is carefully integrated into the design of new residential developments and Policy H11 Privacy and Security, which seeks to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing and the standards for residential development set out in Section 12.6.7, the Board considers that identified deficiencies in the quality and amenity value of both private and communal open space would, in addition to the lack of public open space and any meaningful improvements to the public realm, unduly compromise the level of privacy and amenity afforded to future occupants of this scheme. The proposed development would, therefore, conflict with the policies, objectives and standards of the development plan and would be contrary to the proper planning and sustainable development of the area.

- 3 Having regard to the nature and scale of the proposed development which would see an intensification of development on site, the location of the proposed development in a highly trafficked urban area in proximity to the Walkinstown Roundabout and the prevailing pattern of development in the vicinity. The Board considers that the access and parking arrangements for the proposed development are poorly considered and would lead to an over dominance in surface car parking, poor permeability and connectivity for pedestrian, cyclists and vulnerable road users and increased pressure for parking and inappropriate turning movements in the immediate environments. If permitted proposed development would result in the continuation of unsatisfactory traffic and parking arrangements in the area, would endanger public safety by reason of a traffic hazard and would contribute to a poor-quality public realm.

Furthermore, the proposed scheme due to the lack of adequate bicycle parking and storage facilities would fail to meet the mobility needs of future residents.

The proposed development would therefore be contrary to the provisions of the South Dublin County Development Plan 2022-2028 including the

development standards set out in Section 12.5.4 Public Realm (at street Level) and Section 12.7.6 'Car Parking Design and Layout', to SPPR4 of the Sustainable Residential Development and Compact Settlement Guidelines (2024) and to the proper planning and development of the area.

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

Lucy Roche
Planning Inspector

30th September 2024

Appendix 1 - Form 1 - EIA Pre-Screening

An Bord Pleanála Case Reference	ABP317273-23			
Proposed Development Summary	Demolition of an existing commercial building and construction of a new five storey mixed use building comprising 2 commercial units and 8 residential apartments.			
Development Address	Paintworld, 1-2 Ballymount Road Lower, Dublin 12			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		
Yes		10 (b)(i): Construction of more than 500 dwelling units 10 (b)(iv): Urban Development which would involve an area		Proceed to Q.4

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

Inspector: _____ Date: _____

Appendix 2 – Form 2 - EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 317273-23	
Proposed Development Summary	Demolition of an existing commercial building and construction of a new five storey mixed use building comprising 2 commercial units and 8 residential apartments	
Development Address	'Paintworld' 1-2 Ballymount Road Lower, Dublin 12	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development.</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The nature of the proposed development, comprising a mixed-use commercial / residential scheme is not exceptional in this established urban area.</p> <p>The site is served by public mains water and sewerage and public transport is available.</p> <p>Localised construction impacts would be temporary.</p> <p>The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the area.</p>	No
Size of the Development	While the density and height of the	No

<p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>proposed scheme would exceed that of neighbouring development, it would not be exceptional in the context of the existing urban environment.</p> <p>Given the location of the site within an established urban neighbourhood and the nature and scale of existing / permitted development in the area, there is no real likelihood of significant cumulative effects with other projects.</p>	
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>There are no ecologically sensitive locations in the vicinity of the site. the site is not located in or in proximity to any designated site.</p> <p>The proposed structure for demolition is not protected nor is it of any particular historical, architectural, cultural or artistic interest that would deem it worthy of retention. The proposed development does not have the potential to significantly affect any protected structure.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3 - Screening the need for Appropriate Assessment

I have considered the proposed mixed development in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by SDCC as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. SDCC concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.

A detailed description is presented in Section 2 of my report. In summary, the proposed development site is a commercial site within a mixed use/urban environment, surrounded by housing, retail and roads. The development will comprise of demolition of an existing commercial building (Paintworld) and the construction of a new mixed-use development comprising 2no retail units and 8no apartments and all associate site development works. The development includes connection to public mains water and wastewater.

There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.

European Sites

The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the Glenasmole Valley SAC (Site Code 001209), c. 7km southwest of the site. There are several other Natura 2000 sites in the inner Dublin Bay area (c.8+kms to the east), including South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North Bull Island SPA and North Dublin Bay SAC. There are no direct pathways between the site and the Natura 2000 network.

European Site	Qualifying Interests (summary)	Distance	Connections

Glenasmole Valley SAC (Site Code 001209)		7km	No	
North Dublin Bay SAC (site Code 000206)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]	12.5km	Yes – indirect connection via foul water connection	
North Bull Island SPA (site code 004006).	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]	12.5km	Yes – indirect connection via foul water connection	

	Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]			
South Dublin Bay and River Tolka Estuary SPA	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]	8.5km	Yes – indirect connection via foul water connection	
South Dublin Bay SAC	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	8.5km	Yes – indirect connection via foul water connection	

Likely impacts of the project (alone or in combination)

The site is not located within or adjacent to any European Site so there is no risk of habitat loss, fragmentation, or any other direct impact.

Applying, the source-pathway-receptor method, I am satisfied that there is no potential for connectivity between the appeal site and the Glenasmole Valley SAC.

Given the nature, scale and location of the project, any potential indirect impacts on European Sites from the development would be restricted to the discharge of surface or foul water from the site.

The application proposes to discharge surface water and foul water to the existing Irish Water sewer systems already on site, which ultimately discharge to Dublin Bay.

The drainage report indicates that the surface water management system includes measures to regulate discharge flows in terms of quantity and quality including green /blue roof, permeable paving and underground attenuate tank with overflow outlet connected to a manhole fitted with hydrobrake flow control device.

While there is potential for surface water contamination during construction works, I am satisfied that best-practice construction management will satisfactorily address this matter.

Furthermore, in the event, that such practices were not applied or were applied and failed, I am satisfied that it would be unlikely that there would be any significant effects on designated sites due to the nature and scale of the development proposed, dilution effects, separation distances and the extent of intervening urban environment, together with the conservation objectives of the designated sites in Dublin Bay Accordingly, I am satisfied that there is no possibility of significant impacts on Natura 2000 within Dublin Bay from surface water pressures from the development.

Wastewater from the development will increase loading at the Ringsend WWTP, which has sufficient capacity to accommodate the additional loading from the development and I am satisfied that there is no possibility that the additional wastewater loading resulting from the development will result in significant effects on Natura 2000 sites within Dublin Bay.

In combination effects

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions.

Overall Conclusion

Screening Determination

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The nature and scale of the development and its location on serviced lands
- Distance from and weak indirect connections to the European sites
- No significant ex-situ impacts on wintering birds

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.