



An
Bord
Pleanála

Inspector's Report ABP-317668-23

Development

Demolition of warehouse/factory building, construction of 127 apartments, amenity facilities, 3 no. incubator units, building management facilities, vehicular access via an entrance from the existing estate road from Kennelsfort Road Upper, improvement works, pedestrian/cycle paths and controlled pedestrian crossing, outdoor amenity areas, landscaping, car parking, bicycle parking, bin stores, ESB substation, public lighting, roof mounted solar panels and all ancillary site development works.

Location

Unit 64 & 65, Cherry Orchard Industrial Estate and Kennelsfort Road Upper, Palmerstown, Dublin 10.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

LRD.23A/0003

Applicant

AAI Palmerstown Ltd

Type of Application	Permission for Large Scale Residential Development
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellants	(1) Dermot Keogh (2) Cllr Madeleine Johansson & Others (3) Patricia & Michael Valentine
Observations	(1) Palmerstown Court Residents Association (2) Orr & McEnroe Families (3) Noel Carr
Date of Site Inspection	25 th September 2023
Inspector	Colin McBride

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1.0 Site Location and Description

- 1.1. The site, which has a stated area of 0.888 hectares, is located to the west of Ballyfermot and south of Palmerstown. The appeal site is part of the Cherry Orchard Industrial Estate and is located at the junction of Kennelsfort Road Upper (defines western boundary) and the main road through the Industrial Estate (defines the southern boundary). The site is occupied by two warehouse units (both vacant). Adjoining uses include similar industrial/commercial structures to the east and south within the Industrial Estate. To the north is a single-storey structure occupied by 2 no. takeaways, to the rear of such is a warehouse/commercial unit. The nearest dwellings are located to the west and on opposite side of Kennelsfort Road Upper with the housing developments of Palmers Crescent and Palmers Park, which consist of two-storey semi-detached and detached dwellings.

2.0 Proposed Development

- 2.1. The proposed development consists of...

The demolition of an existing warehouse/factory building and construction of a residential development of 127 no. apartments with supporting tenant amenity facilities (gym and activity areas, lounges and meeting rooms), employment uses comprising 3 no. incubator units, building management facilities and all ancillary site development works.

The development consists of 127 apartment units configured in 4 no. blocks.

Building A: 25 no. 1-bedroom, 13 no. 2-bedroom and 11 no. 3-bedroom apartments (49 total) over 5-8 storeys.

Building B: 9 no. 1-bedroom & 8 no. 2-bedroom (17 total) over 3-4 storeys.

Building C: 8 no. 1-bedroom, 10 no. 2-bedroom & 13 no. 3-bedroom (31 total) over 5 storeys.

Building D: 13 no. 1-bedroom, 10 no. 2-bedroom & 7 no. 3-bedroom (20 total) over 4-5 storeys.

- 2.2. The proposed development includes 3 no. incubator units at ground floor level in addition to supporting tenant amenity facilities (gym and activity areas, lounges and meeting rooms) and building management facilities.
- 2.3. In relation to vehicular access the development is to be accessed from the existing Cherry Orchard Industrial Estate road running along the southern boundary of the site, which provides access off Kennelsfort Road Upper adjacent the south western corner of the site.
- 2.4 The proposed development entails the provision of 127 apartment units on a site with a stated area of 0.8888 hectares with a density of 143 units per hectare.
- 2.5 The proposed development includes a public open space area along the western and northern boundary (1,525sqm) and communal open space in the form of courtyard area between the blocks at podium level (1,287sqm).
- 2.6 A total of 62 car parking spaces provided at ground floor level in an undercroft with a landscaped podium level above. 1 car share space is provided and 1 setdown space, provision for E.V. parking and 8 motorcycle parking spaces.

2.7 **Table 1: Key Figures**

Gross Site Area	0.8888 hectares
Gross Floor Area	18,088.3sqm
Site Coverage	55% (including podium).
Plot Ratio	2.04
No. of Apartments	127
Incubator units	3 331.9 sqm

Density – Total Site Area	143 units per hectare (net density)
Public Open Space Provision Communal Open Space	1525 sqm 1287 sqm
Car Parking – Apartments/ Residents	62 resident 1 car share 1 set down 8 Motorcycle parking spaces
Total	64
Bicycle Parking	298 (230 resident, 68 visitor)

Table 2: Unit Mix

	Bedrooms			
	1 Bed	2 Bed	3 Bed	Total
Apartments	55	41	31	127
Total	55– 43.3%	41– 32.3%	31 – 24.4%	127

In addition to the standard plans and particulars, the application is accompanied by the documents and reports which include inter alia:

- Planning Statement
- Statement of Consistency with National & Regional Policy, S.28 Guidelines and Local Policy.
- Statement of Childcare Rationale
- Statement of Housing Mix
- Community Infrastructure Audit
- Architecture Design Statement including Housing Quality Assessment
- Development Framework report for lands zoned REGEN
- Environmental Impact Assessment Screening
- Part V Proposals
- Townscape and Visual Impact Assessment
- Aboricultural Report
- Landscape Design Intent Report
- Air Quality Analysis Report

- Ecological Impact Assessment
- Appropriate Assessment Screening
- Civil Engineering Services Report
- Microclimate Report
- Noise Impact Assessment Report
- Daylight and Sunlight Assessment Report
- Energy and Climate Impact Analysis Report
- Telecommunication Signal Interference Report
- External (Public Lighting) Report
- Outline Waste and Construction Management Plan
- Road Safety Audit and Designer Response to RSA
- Traffic Impact Assessment including DMURS Compliance Statement

3.0 Planning Authority Opinion

3.1. The planning authority and the applicant convened a meeting under section 32C of the planning act for the proposed Large-scale Residential Development on the 12th December 2022. The record of that meeting is attached to the current file.

3.2. Further to that meeting the planning authority issued an opinion under section 32D of the act stating that the documents that had been submitted do not constitute a reasonable basis on which to make an application for permission for the proposed LRD unless further consideration is given to the items raises on the LRD opinion and additional materials and details are required.

- Further consideration of the development framework.
- Assessment of daylight and sunlight in the context of the proposed development, adjoining lands/properties. Assessment of overshadowing.
- Amendments to the layout to incorporate recommendation of the Roads, Parks and Water Services departments.

- Alteration of unit mix with regard to Policy H1 Objective 12 (30% 3 bedroom unit).
- Additional justification for presence of any single aspect north facing units and scheme compliance with Apartment Guidelines in terms of aspect.
- Justification for quantum of open space.
- Provide demonstration of adequate attenuation.

3.3. The applicant was also notified that the following specific information should be submitted with any application for permission...

- Housing Quality Assessment.
- Schedule of Accommodation.
- Architects Design Statement
- Sunlight and Daylight Analysis
- Impacts of development on existing trees and biodiversity.
- Green Infrastructure Plan.
- Water Attenuation measures (SuDs).
- Green Space Factor Calculations.
- Street Tree Planting Plan.
- Landscape Plan.
- Ecological Impact Assessment.
- Traffic and Transport Assessment.
- Taking in Charge drawing and proposals.
- Stage 1 Road Safety Audit.
- Layout Plans.
- Confirmation of feasibility from Uisce Eireann.
- Appropriate Assessment Screening Report.

- Environmental Impact Assessment Report (EIAR) or Screening report as necessary.
- Building Lifecycle Report.
- Social Infrastructure Report.
- Part V proposals.

4.0 Planning Authority Decision

4.1. Decision

The planning authority have decided to grant permission subject to 30 conditions. Of note are the following conditions...

Condition 9:

Relocation of bus stop to be agreed with Planning Authority and NTA.

The future pedestrian crossing along Industrial Estate shall be omitted unless a connection can be delivered on the opposite side of the road.

Revised layouts provided tie-ins between existing and proposed footpaths and existing and proposed cycle paths.

Provision of tactile paving on approach to development access junction.

Provision of 13 no. EV parking spaces and the remainder to facilitate future provision of EV parking.

Details of design and signage for EV Parking to be agreed.

Submission of Mobility Management Plan within six months of opening.

Provision of Taking in charge drawing, agreement regarding public lighting, submission of a Construction and Traffic Management Plan and Construction and Demolition Waste Management Plan.

Condition no. 17: Mitigation measures provided in documentation submitted in particular the Ecological Impact Assessment to be implemented.

4.2. Planning Authority reports

4.2.1. Planning Reports

Planner report dated 05th May 2023

Principle of Development: The development was considered to be compliant with development plan zoning policy.

Development Framework: The provision of development framework for the land zoned REGEN was considered acceptable and although non-statutory meets the requirements of the zoning.

Quality design and Healthy Place making: The development was assessed in the context of the 12 Urban Design Criteria under the Urban Design Manual-A Best Practice Guide 2009. The development was considered to be a well-designed development that integrates with existing context, at the entrance to a Regeneration Area.

Building Height and Density: The site is suitable for a high density development based on its location in terms of high-capacity public transport routes. The applicant has demonstrated that the proposed development would not have a significant visual impact when viewed from the surrounding area.

Sunlight and Daylight: The proposed development was considered to be acceptable in the context of daylight and sunlight levels to the proposed development, sunlight levels of open space areas within the development.

Housing and Residential Amenity: Accommodation standards are consistent with the relevant Guidelines (Apartment Guidelines and Sustainable Urban Housing) in terms of size, internal dimensions and private open space provision. The level of dual aspect units is consistent with the Apartment Guidelines. Unit Mix is considered

acceptable and despite non-compliance with Policy H1 Objective 12 (30% requirement for 3-bed units) justification has been submitted based on census statistics and indicating a higher demand for 1 and 2 person households and the fact that South Dublin has the lowest percentage of apartments in the Dublin Council Areas.

Part V: The Part V proposals are noted by the Housing department and can only be agreed in respect of permitted development with a condition required confirming such.

Childcare: One bed apartments should not be considered to contribute towards a requirement for childcare provision with 72 units, when such are excluded the development falls below the threshold of 75 units that would require provision of a childcare facility.

Open Space, Green Infrastructure and Natural Heritage: Public open space provision under Table 8.2 of the CDP are not met for the overall standard of 2.4 hectares per 100 population but do meet the minimum standard of 10% of the site area. Minimum Green Factor score required by Parks and Public Realm dept. not met with condition recommended seeking revised calculation and achievement of minimum GSF. Further detail required in regards to level of attenuation by way of condition. Conditions required to deal with insufficient detail regarding SuDs measures as part of the proposal.

Flood Risk: Water Services have reviewed the proposal and have no objection subject to standards conditions.

Ecology: Mitigation measure proposed and should be required to be implemented by way of condition.

Sustainable Movement: A number of revisions are required by way of condition.

Pedestrian crossing on Kennelsfort Road requires relocation of existing bus stop the details of such should be agreed with SDCC and the NTA.

Revised layout for pedestrian cross to the south of the site unless a connection can be delivered with the opposite side of the Industrial Estate Road.

Provision of appropriate connection between existing cycle path along Kennelsfort Road and new cycle track along the south of the site.

Provision of appropriate connection of footpath along the Kennelsfort Road frontage and existing footpaths to the north and south.

Revised design provision adequate tactile paving on the footpath and cycle path on approach to development access junction.

Parking provision is satisfactory however 13 no. EV charging points are required and the ability to facilitate provision of charging for all other spaces.

Bicycle parking is excess of CDP standards.

Conclusion of TIA are considered satisfactory in terms traffic impact.

A Mobility Management Plan is to be completed within six months of opening of the development.

Waste Management Plan is satisfactory.

Revised taking in Charge Plan to be submitted and agreed.

Submission of a Construction Traffic Management Plan required.

Infrastructure and Environmental Services:

Uisce Eireann have raised no objection.

Environmental Health have recommended conditions.

A grant of permission was recommended subject to the conditions outlined above.

4.2.2 Other technical reports:

Water Services: Further information required regarding surface water attenuation.

Environmental Health Officer: No objection subject to conditions.

Housing Department: Part V condition to be applied.

Transportation Department: No objection subject to conditions.

4.3. **Prescribed Bodies**

Uisce Eireann: Further information including obtainment of confirmation letter of feasibility in relation to water and foul drainage.

4.4. **Third Party Observations**

- 4.4.1. 11 no. submissions to the planning authority on the application raised issues similar to those raised in the subsequent third party appeals and observations to the board.

5.0 **Planning History**

- 5.1 ABP-312430-22 : Permission refused (27/06/22) SHD development consisting of demolition of existing building, construction of 144 no. apartments and associated site works. Refused based on one reason...

1. Having regard to the proposed building heights, the location of the site within a regeneration area that is not subject of a Local Area Plan or a Planning Scheme and the provisions of the South Dublin County development Plan 2016-2022, specifically urban centre policy UC6 – objective 3 directing tall buildings that exceed five storeys in height to regeneration areas that are subject to an approved Local Area Plan or a Planning Scheme, it is considered that the proposed development materially contravenes the urban centre policy UC6 – objective 3 of the South Dublin County Development Plan 2016-2022.

6.0 Policy Context

6.1. National Policy

The National Planning Framework – Project Ireland 2040, (2018).

In terms of National Planning Policy, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.

Section 28 Ministerial Guidelines

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the ‘Sustainable Residential Development Guidelines’).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the ‘Apartment Guidelines’).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Childcare Facilities – Guidelines for Planning Authorities (2001)

‘Urban Development and Building Height, Guidelines for Planning Authorities’ (Building Height Guidelines), ‘

SPPR 1

In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

Section 3.1 of the Building Heights Guidelines presents three broad principles that Planning Authorities must apply in considering proposals for buildings taller than the prevailing heights:

1. does the proposal positively assist in securing National Planning Framework objectives of focusing development into key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?
2. is the proposal in line with the requirements of the Development Plan in force and such a plan has taken clear account of the requirements set out in Chapter 2 of the Building Heights Guidelines?
3. where the relevant Development Plan or Local Area Plan pre-dates these Guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant Plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?

Development Management Criteria

Section 3.2

In the event of making a planning application, the applicant shall demonstrate to the satisfaction of the Planning Authority/ An Bord Pleanála, that the proposed development satisfies the following criteria...

At the scale of the relevant city/town.

At the scale of district/neighbourhood street.

At the scale of the site/building.

Specific Assessments.

Building height in suburban/edge locations (City and Town)

Section 3.6 Development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets.

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (Apartment Guidelines)

Section 2.4 Identification of the types of location in cities and towns that may be suitable for apartment development, will be subject to local determination by the planning authority, having regard to the following broad description of proximity and accessibility

considerations:

1. Central and/or Accessible Urban Locations

Such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.

Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities identify appropriate locations for higher density with Cities and Larger Towns (Chapter 5).

Public transport corridors: "Walking distance from public transport nodes (e.g. stations/halts/bus stops) should be used in defining such corridors. It is recommended that increased densities should be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. Minimum densities should be specified in local area plans, and maximum (rather than minimum) parking standards should reflect proximity to public transport facilities".

Urban Design Manual: A Best Practice Guide (May 2009). The Urban Design Manual include 12 criteria for assessment of development in terms of urban design (context, connections, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking and detailed design).

The Childcare Facilities: Guidelines for Planning Authorities (June 2001) state in the case of New communities/Larger new housing developments that "Planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate".

6.2. Local

South Dublin County Development Plan 2022-2028

The site zoned 'REGEN' with a stated objective "to facilitate enterprise and/or residential led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery'. The proposed uses on the land including apartments and employment uses (incubator units) (houses and apartments), a childcare facility and ancillary services roads and open space areas. These uses are all permitted in principle under land use zoning policy as outlined under Table 12.4 in relation to this zoning objective.

The main policies /objectives are set out below. This is not an exhaustive list and should not be read as such. The Board should consider inter alia the following:

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.

QDP7 Objective 1: To actively promote high quality design through the policies and objectives which form 'The Plan Approach' to creating sustainable and successful neighbourhoods and through the implementation of South Dublin County's Building Height and Density Guide.

QDP7 Objective 7: To ensure that all proposals for development contribute positively to providing a coherent enclosure of streets and public spaces, taking into consideration the proportions and activities of buildings on both sides of a street or surrounding a public space, providing for good standards of daylight and sunlight, and micro climatic conditions and having regard to the guidance and principles set out in the South Dublin County's Building Height and Density Guide and the Design Manual for Urban Streets and Roads (DMURS) (2019).

Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG)
Adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) issued by the DHLGH through the implementation of the Assessment Toolkit set out in the South Dublin County’s Building Heights and Density Guide 2021.

QDP8 Objective 1: To assess development proposals in accordance with the Building Height and Density Guide set out in Appendix 10 of this Development Plan and associated planning guidelines. In this regard, all medium to large scale and complex planning applications (30 + residential units, commercial development over 1,000 sq m or as otherwise required by the Planning Authority) shall be accompanied by a ‘Design Statement’. The Design Statement shall include, inter alia, a detailed analysis of the proposal and statement based on the guidance, principles and performance-based design criteria set out in South Dublin County’s Height and Density Guide. Any departures within the proposed development from the guidance set out in the Building Height and Density Guide for South Dublin County (Appendix 10) shall be clearly highlighted in the Design Statement. (See Chapter 12: Implementation and Monitoring).

QDP8 Objective 2: In accordance with NPO35, SPPR1 and SPPR3, to proactively consider increased building heights on lands zoned Regeneration (Regen), Major Retail Centre (MRC), District Centre (DC), Local Centre (LC), Town Centre (TC) and New Residential (Res-N) and on sites demonstrated as having the capacity to accommodate increased densities in line with the locational criteria of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) and the Urban Design Manual – Best Practice Guidelines (2009), where it is clearly demonstrated by means of an urban design analysis carried out in accordance with the provisions of South Dublin County’s Building Height and Density Guide that it is contextually appropriate to do so.

Policy H1: Housing Strategy and Interim Housing Need and Demand Assessment
Implement South Dublin County Council Housing Strategy and Interim Housing

Needs and Demand Assessment 2022-2028 (and any superseding Housing Strategy agreed by the Council) and to carry out a review of the Housing Strategy as part of the mandatory Two-Year Development Plan review.

H1 Objective 12: Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that: à there are unique site constraints that would prevent such provision; or à that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or à the scheme is a social and / or affordable housing scheme.

COS5 Objective 4 and Table 8.2 provide the public open space standards for residential development.

Policy SM7: Car Parking and EV Charging Implement a balanced approach to the provision of car parking with the aim of using parking as a demand management measure to promote a transition towards more sustainable forms of transportation, while meeting the needs of businesses and communities.

Table 12.25 Maximum Parking Standards (Non-Residential).

Office 1 per 75sqm (Zone 2)

Table 12.26 Maximum Parking Standards (Residential).

Apartments (Zone 2)

1 bed 0.75 per unit.

2 bed 1 per unit.

3 bed + 1.25 per unit.

Table 12.23 Minimum Bicycle Parking

Office 1 per 200sqm (long stay), 1 per 200sqm (short stay).

Residential 1 per bedroom (long stay), 1 per 2 apartments (short stay).

EDE3 Objective 7: To promote the provision of workspace as part of any mixed-use development on REGEN zoned land.

COS7 Objective 2: To require provision of appropriate childcare facilities as an essential part of new residential developments in accordance with the provisions of the Childcare Facilities Guidelines for Planning Authorities (2001) or any superseding guidelines, or as required by the Planning Authority. The Guidelines recommend one childcare facility with a minimum of 20 places for each 75 units for new residential developments, with any variation to this standard being justified having regard to factors such as type of residential units, emerging demographic profile and availability of existing childcare services in the vicinity.

Building Height and Density Guide 2022 (Appendix 10).

The criteria for assessment of building height and density are based on the 12 criteria set out under the Urban Design Manual (2009) and the criteria set down under section 3.2 of the Urban Development and Building Height, Guidelines for Planning Authorities' (2009).

6.3. Natural Heritage Designations

The appeal site is not located within or adjacent to any European Designed sites or pNHA, NHA.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1 Third party appeal have been lodged by the follow...

Dermot Keogh

Cllr Madeline Johansson, Cllr Gus O'Connell, Cllr Paul Gogarty and Cllr Liona O'Toole

Patricia & Michael Valentine

The grounds of the appeal are similar in nature and can be summarised as follows....

- The appellant refers to the planning history and refusal of permission for 144 apartment units under ref no. ABP-312430-22 due to contravention of development plan policy.
- Inappropriate height resulting in an overbearing impact on existing dwellings in the area, overlooking and reduction of privacy.
- The area is deficient in facilities to cater for the significant population increase with reference to public space, childcare facilities.
- The appellants raises concern regarding traffic impact stating that there are existing traffic congestion issues at this location with existing industrial development and proximity to a school highlighted. The proposal would exacerbate such issues. The appellant refers to other large scale housing development proposed/permitted in the area and questions the level of traffic assessment.
- The nature of the proposal is profit driven with no regard to the local community, existing residential properties, privacy and traffic congestion issues.
- The proposal in terms of height is contrary QDP3 Objective 6 requiring higher buildings to respect their surrounding context. The proposal is contrary such considering the two-storey nature of surrounding residential development and in particular Palmerstown Manor.
- The scale of the 8-storey block is not considered proportionate in the context of its location and it is suggested that it would be more appropriate to set the

taller elements back within the site rather than at the frontage in proximity to existing dwellings.

- The lack of inclusion of a childcare facility is noted. The requirement for childcare spaces should be considered not only in the context of individual planning applications, but in the context of all applications granted in the past 10 years with a number of residential developments permitted and taking into account such and this proposal would constitute 213 family units granted without any additional childcare spaces being delivered in the area.
- The proposal will result in unacceptable overshadowing of the appellant property due to its height and scale with a negative impact on quality of life due to loss of sunlight.
- The proposal will cause unacceptable overlooking and loss of privacy to the appellants' property.
- There are existing congestion issues relating to Kennelsfort Road. The proposed development will exacerbate such as well as the fact there is anticipated higher traffic volumes associated with two other permitted developments in the area. The existing road is not able to cater for the additional traffic, traffic issues will be exacerbated. The proposed development taken conjunction with permitted developments will impact on public transport infrastructure with the existing radial bus service in Palmerstown currently inadequate.
- The appellants are of the view that the development is not providing for suitable family housing and is buy to let housing that is not an appropriate solution to the housing crisis.
- There is insufficient educational infrastructure in place to accommodate existing demand in the area with the proposal compounding such by creating additional demand. There is inadequate capacity for existing childcare facilities and the proposal will also compound this issue.
- The proposal will devalue the appellants' home and contravenes a number of policies of the County development plan in regard to height and sustainable residential development.

- The proposal development is inappropriate in the context of a number policies and objectives of the County Development Plan relating to Quality design and Healthy Place making, Public Open Space, Community Infrastructure and Open Space.

7.2. Applicants' Response

7.2.1 A response to the appeal submission has been submitted by the applicant AAI Palmerstown Limited -

- In relation to height the Development Plan has changed with no preclusion on height on the basis of prematurity in terms preparation of a Local Area Plan or Planning Scheme.
- The applicant consulted with the Planning Authority and has prepared a development framework plan for the REGEN lands the site is part of.
- The design response including the proposal for a gateway structure of 8-storey is considered appropriate with a Design Statement submitted assessing the development against the criteria under Appendix 10 of the CDP. The Planning Authority considered that the development met the criteria under the CDP and Boards Inspector's assessment of the previous development on site indicated that the location had capacity for heights of the nature proposed.
- The previous proposal on site was not deemed to impact on the privacy of the dwellings in the vicinity with reference to the Inspector's Report. Notwithstanding such the current proposal provides an appropriate setback/separation distance in relation to existing dwellings and internal configuration ensures west facing rooms exclude living rooms and balcony areas. The design of the western façade also has regard to the protection of privacy including some opaque glazing.
- The assessment of the previous proposal on site is noted as having been accepting of impact on daylight and sunlight. In this case the Daylight and

Sunlight report was deemed to show full compliance with BRE Guidance and a negligible impact on existing residences.

- In regards to perceived overbearance from existing dwelling it is suggested that such is lessened by the fact existing dwellings present their gable towards the public road and appeal site. In addition the level setback proposed between the development and the existing dwellings is highlighted.
- In regards to childcare facilities the demand of the scheme, which is predominantly 1-2 bed units will not be comparable to an average suburban residential development. Reference is made to Objective COS7 of the CDP and the Section 4.7 of the Apartment Guidelines and discounting the one bed units there are less than 75 two and three bed units.
- In relation to schools the Community Infrastructure report submitted highlight the level of school provision in the area with 2 no. schools planned for Adamstown and concluding that there is sufficient capacity locally for future demand.
- In relation of public open space the provision of such is in excess of the minimum requirement of 10% under Table 8.2 of the CDP and compliance with such is acknowledged in the PA's assessment. There is also a significant level of communal open space provided.
- The parking provision is considered to be sufficient to cater for the demand likely to be generated with no impact in terms of overflow of parking into adjoining residential areas. The applicant note that the Transportation Department considered that parking levels were sufficient. The proposal includes enhancement of pedestrian and cycling infrastructure, is accompanied by a Road Safety Audit and Transport Impact Assessment that demonstrates that the junction serving the site has sufficient capacity to cater for traffic generated.
- In regards to public transport it is noted there are plans for significant public transport upgrades through Bus Connects and that such will ensure there is sufficient capacity for the additional demand degenerated. It is noted that NTA did not raise any objections to the proposal.

- The proposal will not devalue property in the vicinity. The applicant refutes the claim by the appellants that the development is build-to-rent development emphasising that it is a build-to-sell development.
- The applicants refute the appellants' claims that the visualisations along Kennelsfort Road Upper are inaccurate stating that they are based on a 3D survey of the area and are an accurate representation.

7.3. **Planning Authority Response**

7.3.1. Response by South Dublin County Council.

No response.

7.4. **Prescribed Bodies**

7.4.1 None.

7.5. **Observations**

7.5.1. Observations have been received from the follow...

Palmerstown Court Residents Association

The Orr & McEnroe Families

Noel Carr

The issues raised in the observations are similar in nature and can be summarised as follows...

- The observation refers to the previous refusal on site and that the current proposal is not a significant modification with the height and scale being inappropriate in the context of existing residential development.
- Existing traffic congestion in the area will be exacerbated with the local road network is insufficient to cater for the additional traffic likely to be generated with an adverse impact on the existing traffic movements from Palmerstown Court, which has a single access point off the public road.

- Physical danger caused during construction.
- Inaccurate visual representation of the streetscape.
- Impact of the development on structural safety of the observers homes.
- Development out of character with existing residential development in the area.
- Adverse impact on light/sunlight and unacceptable overshadowing and subsequent effect on mental and physical health.
- Overdevelopment of the site, excessive density of units, excessive height and out of character at this location.
- Cumulative impact of the development in terms of new, existing residents and permitted developments in the area in context of traffic impact, pressure on existing services including schools, childcare facilities, and medical services.
- Traffic impact of the proposal with existing traffic issues in the area, insufficient car parking proposed with concerns regarding overspill of parking. Inadequate level of bicycle parking.
- Adverse impact on sunlight due to excessive height and proximity.
- Need for a Local Area Plan or Master Plan. Questions regarding compliance with Part V.
- Questions in regards to demonstration of adequate control over the lands.
- Material contraventions of Development Plan policy and lack of three bed properties.
- Certain works hours should be specified.

8.0 Screening

8.1. Environmental Impact Assessment

8.1.1 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.

8.1.2 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’.

8.1.3 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.”

8.1.4 The proposed development is for a residential scheme of 127 dwelling units and is not within a business district, on a stated development site area of 0.8888ha. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the 2 hectares (that would be the applicable threshold for this site, being a business district in which the predominant land use is retail or commercial use).

8.1.5 The application was accompanied by an EIA Screening Report which includes the information set out in Schedule 7A to the Planning and Development Regulations 2001 as amended and I have had regard to same. The report states 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, number of residential units (127) and the concludes that the proposal is unlikely to give rise to significant environment effects, so an EIAR is not required.

8.1.6 I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that having regard to the nature and scale of development proposed in conjunction with the habitats/species on site and in the vicinity that the proposal would not 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, at construction and operational stages of the development, 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. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

8.2 **Appropriate Assessment**

Applicant's Stage 1 – Appropriate Assessment Screening

8.2.1 The applicant has engaged the services of Dixon Brosnan Environmental Consultants, to carry out an appropriate assessment screening. I have had regard to the contents of same.

8.2.2 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.

The areas addressed are as follows:

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

- Appropriate assessment of implications of the proposed development on the integrity of each European site

Compliance with Article 6(3) of the EU Habitats Directive

8.2.3 The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

8.2.4 The subject lands are described in section 3.1 of this report. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

8.2.5 The screening report identifies 8 European Sites within the potential zone of influence, their location relative to the site and potential source-pathway receptor link (Table 1) and these are as follows:

Table 2

Site	Site Code	Distance	Source pathway receptor link
Rye Water Valley/Carton SAC	(001398)	8km	No pathway exists
Glenasmole Valley SAC	(001209)	9.95km	No pathway exists

South Dublin Bay SAC	(000210)	11.1km	Although unlikely, a source-pathway-receptor link has been identified between the source (proposed development site) and the receptor (South Dublin Bay SAC) via a potential pathway (impacts on water quality and spread of invasive species during construction or operational phase).
Wicklow Mountains SAC	(001209)	12.3km	No pathway exists
North Dublin Bay SAC	(00206)	13.2km	Although unlikely, a source-pathway-receptor link has been identified between the source (proposed development site) and the receptor (North Bull Island SAC) via a potential pathway (impacts on water quality and spread of invasive species during construction or operational phase).
South Dublin Bay and River Tolka Estuary SPA	(004024)	10km	Although unlikely, a source-pathway-receptor link has been identified between the source (proposed development site) and the receptor (South Dublin Bay and River Tolka Estuary SPA) via a potential pathway (impacts on water quality and spread of invasive species during construction or operational phase)
North Bull Island SPA	(004006)	13.3km	Although unlikely, a source-pathway-receptor link has been identified between the source (proposed development site) and the receptor

			(North Bull Island SPA) via a potential pathway (impacts on water quality and spread of invasive species during construction or operational phase)
Wicklow Mountain SPA	(004040)	13.2km	No pathway exists

8.2.6 Section 5.2 of AA Screening report outlines a description of the South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and the South Dublin Bay & River Tolka Estuary SPA with the qualifying interests and conservation objectives for each outlined under Table 2-5. These are outlined below...

Table 3

Name	Site Code	Distance from Site
South Dublin Bay SAC Conservation Objectives: To maintain the favourable conservation condition of the qualifying interests. Qualifying Interests 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]	(00210)	11.1km
North Dublin Bay SAC Conservation Objectives:	(00206)	13.2km

<p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</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 maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>		
<p>South Dublin Bay and River Tolka Estuary SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</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>	(004024)	10km

<p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>		
<p>North Bull Island SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</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>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>	(004006)	13.3km

Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]		
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8.3 Applicant's Screening Report Assessment of Likely Significant Effects:

8.3.1 The submitted AA Screening Report considers the assessment of likely significant effects. The sites potentially at risk from likely significant effects based on source-pathway-receptor links are the South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and the South Dublin Bay & River Tolka Estuary SPA. Potential impacts were assessed under the following headings...

Loss of habitat

Noise and disturbance

Surface water run-off

Discharges from Ringsend WWTP

Spread of invasive species

In-combination Impacts

Loss of habitat:

There will be no habitat loss and alteration as the application site is not located within the designated site. The site is not a suitable ex-situ habitat foraging or breeding habitat for the bird species (bird surveys carried out as part of the Ecological Impact Assessment) that are qualifying interests of the North Bull Island SPA and the South Dublin Bay & River Tolka Estuary SPA. There is no potential for direct habitat loss or fragmentation.

Noise and disturbance:

The AA screening rules out any impact on qualifying interest through noise and disturbance during the construction or operational phase due to the distance of the application site from the designated sites reiterating that the application site is not a suitable ex-situ habitat foraging or breeding habitat for the bird species that

qualifying interests of the North Bull Island SPA and the South Dublin Bay & River Tolka Estuary SPA.

Surface water run-off:

There is potential for indirect loss or alteration of qualifying interest habitat during the construction phase due to deterioration of water quality through pollutant laden surface water discharge to the surface water network and subsequently to the River Liffey, which is the nearest watercourse 1.3km away and drains into the designated sites identified. During the construction phase inadvertent discharge to surface water would have no significant effects due to distance between the application site and the designated sites and the dilution factor. During the operational phase surface water drainage will be to the surface water network and SuDs measures will prevent deterioration of water quality through surface water discharge.

Discharges from Ringsend WWTP:

Discharge of foul water during the operational phase will be to the Ringsend WWTP approximately 11.5km from the site. The existing wastewater treatment system is operated under licence and Uisce Eireann have indicated confirmation feasibility to connection the existing WWTP without upgrade required. It is not anticipated that the proposed development would have significant effect on water quality due to discharge of foul water to the existing municipal WWTP.

Spread of Invasive Species:

No high-risk invasive species were recorded within the proposed development. Buddleia and Winter Heliotrope, medium to low risk invasive species, were recorded within the proposed development site. These species will be removed pre-construction. However, even in the absence of removal these invasive species cannot colonise the estuarine/marine habitats for which the South Dublin Bay and North Dublin Bay SAC's are designated. Therefore, no potential impacts from invasive species on Natura 2000 sites will occur.

In-combination Impacts:

In-combination effects are considered in the applicant's report and following the consideration of a number of other plans and projects including planning applications in the area (listed in Table 13 of the Screening report), it is concluded that is no potential for in-combination effects given the scale and location of the development.

8.4 Applicants' AA Screening Report Conclusion:

The AA Screening Report has concluded that the possibility of any significant effects for South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and the South Dublin Bay & River Tolka Estuary SPA can be ruled out and there is no requirement for a Stage 2 Appropriate Assessment.

8.5 Appropriate Assessment Screening:

8.5.1 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 any Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

8.5.2 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 direct loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. I have had regard to the submitted Appropriate Assessment screening report, which identifies that while the site is not located directly within any Natura 2000 areas, there are a number of Natura 2000 sites sufficiently proximate or linked (indirectly) to the site to require consideration of potential effects. These are listed earlier with approximate distance to the application site indicated. The specific qualifying interests and conservation objectives of the above sites are described above. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, as well

as by the information on file, including observations on the application made by prescribed bodies, and I have also visited the site.

8.5.3 I concur with the conclusions of the applicant's screening that significant effects on any European sites can be ruled out at the screening stage. There is an indirect hydrological connection in the form of surface water drainage with surface water from the site entering the existing surface water network and discharging to the River Liffey with the potential impact associated with contamination of surface water during construction or operation. I consider that significant effects on any other designated Natura 2000 sites can be ruled out given the lack of source pathway receptors between the application site and other designated sites, 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 designated sites in the marine environment (dilution factor).

8.5.4 I am of the view in relation to the marine based designated sites (South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and the South Dublin Bay & River Tolka Estuary SPA) that significant effects as a result of deterioration of water quality can be ruled out on the basis of implementation of construction management measures during the construction phase that would prevent discharge of sediment and polluting materials to surface and groundwater. At the operational phase surface water drainage proposal including SuDs measures and standard surface drainage measures associated with urban development are sufficient to prevent contamination of surface water or ground water. In relation to foul water drainage the proposal is to be connected to existing foul drainage system with effluent discharging to the Ringsend WWTP which discharges to the marine environment and is operated under licence. I note various measures outlined in the submitted Outlined Waste and Construction and Management Plan during the construction and operational phase of the development. 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 the marine environment, from surface water runoff, can be excluded given the interrupted hydrological connection, the nature and scale of the development and the designated sites being part of the marine environment (dilution factor).

8.5.5 The applicant's screening report relies on the results of bird surveys (outlined in the Ecological Impact Assessment), which indicate that the application site is not used by populations of bird species that are qualifying interests of any of SPA sites identified within the potential zone of influence of the site. Given the separation of application site from the designated sites, the conclusions of the AA screening report is that it not likely that the application site provides significant ex situ habitat to support the protected species of the SPAs is accepted.

8.5.6 In relation to the potential for disturbance of habitats and species that are qualifying interests of designated sites, the application as noted above is 10km from the nearest designated site. In relation to construction activity the application site is sufficiently separated from any designated Natura 2000 site so as the impact of construction (noise, dust and vibration) would cause no disturbance and implementation of standard construction management measures (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites) would prevent construction disturbance beyond the immediate vicinity of the site.

8.5.7 In-combination effects are considered in the applicant's screening report and following the consideration of a number of plans and projects including planning applications in the area, which are mainly relating to other residential development, there is no potential for in-combination effects given the scale and location of the development and the fact that such are subject to the same construction management and drainage arrangements as this proposal (cannot be considered as

mitigation measures as they would apply regardless of connection to European Sites).

8.5.8 The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment I consider that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on any designated 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 following:

- The location of the proposed development physically separate from the European sites.
- The scale of the proposed development involving a change in the condition of lands 0.8888 hectares in area from brownfield industrial/commercial development to mixed use with primarily residential use on lands zoned for urban expansion.

This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

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 therefore to prepare a Stage 2 – Appropriate Assessment.

9.0 Assessment

9.1. The planning issues arising from the submitted development can be addressed under the following headings-

- Policy/principle of development
- Density
- Building height
- Visual Impact
- Urban Design
- Residential Amenity - Future Occupants
- Residential Amenity - Adjoining Amenities
- Traffic and Transportation
- Educational/Childcare Demand
- Ecology/Biodiversity
- Other Issues

9.2 Policy/principle of development:

9.2.1 The proposed development is on lands zoned the site zoned 'REGEN' with a stated objective "to facilitate enterprise and/or residential led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery'. The proposed uses on the land includes apartments, employment uses (incubator units) and ancillary services roads and open space areas. These uses are all permitted in principle under land use zoning policy as outlined under Table 12.4 in relation to this zoning objective.

9.2.2 In response to part of the zoning that refers to "development framework or plan for the area incorporating phasing and infrastructure delivery", the applicant has

submitted a Development Framework prepared by Shipsey Barry Architects for the lands zoned REGEN the site is part of. This framework is described as a preliminary design guide to inform the future development of the land zone REGEN and shows how the proposed development would interact with potential future development of the remainder of these land adjoining the site. The Planning Authority in their assessment noted that this document is a non-statutory document produced by the applicants and that such establishes a set of design principles that could be utilised by future development and that the proposal and in this case would not compromise future development on surrounding sites. It was considered by the PA that the submitted framework meets the requirement of the zoning objective.

9.2.3 The zoning objective refers to regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery. Having examined the County Development Plan there is no existing Local Area Plan for this area and no plans for one in the future. The framework plan submitted provides a potential phasing for the development of the lands zoned REGEN and outlines how infrastructure delivery would be implemented. The application site in this case is located at the main entrance to the existing industrial estate and the lands zoned REGEN and has access to the existing service road and vehicular access off the public road running along the southern boundary of the site. I am satisfied that the provision of framework plan although such is non-statutory satisfies the requirements of the zoning objective and demonstrates that the proposal would not inhibit the future development of the adjoining lands zoned REGEN. In addition I would consider that given the location of the site relative to the public road and existing vehicular entrance and industrial estate service road, its development at the earliest phase of the overall development of these lands is logical and in accordance with proper planning and sustainable development of the area.

9.2.4 The unit mix proposed is for 55 no. one bed units, 41 no. two bed units and 31 no. three bed units. Policy H1 Objective 12 of the CDP specifies that “proposals for residential development shall provide a minimum of 30% 3-bedroom units”, a lesser provision may be acceptable where a number of criteria outlined above under the planning policy section can be demonstrated. The breakdown of units is 43.3% one

bed, 32.3% two-bed and 24.4% three bed units. The Planning Authority accepted that unit mix was satisfactory in the context of the low level of apartment development within the South Dublin Area and prevalence of larger units. It was considered that the housing mix proposed would contribute positively delivering on the specific housing demand of the area for smaller units. In this case Development plan policy does allow for consideration of a reduced percentage of three bed units and in this case a reasonable argument has been made for such on the basis of the household demographics in the area and the demand for smaller units that exists. In this regard I am satisfied the proposed unit mix is compliant with Development Plan policy.

9.2.5 A previous proposal for 144 apartment units in a development up to nine-storeys (ABP-312430-22) was refused on site with such deemed to be a material contravention of Development Plan policy specifically urban centre policy UC6 – objective 3 directing tall buildings that exceed five storeys in height to regeneration areas that are subject to an approved Local Area Plan or a Planning Scheme. The appellants highlight the fact the previous was refused and question the appropriateness of the development in the context of the planning history of the site. The previous proposal on site was refused based on one reason relating to a single specific objective under the previous County Development Plan (2016-2022). A new development plan has since been adopted and there are no objectives precluding structures of over five-storeys in height on lands zoned REGEN. I would note that the proposal will be assessed in context of local and national policy for building heights in later section of this report.

9.2.6 Conclusion: I am satisfied that the proposed development is consistent with the REGEN zoning objective of the County Development Plan and the preparation of a non-statutory development framework by the applicant is sufficient to satisfy the requirements of the zoning objective with such demonstrating how the proposal would integrate with the future development of the remaining lands within this zoning. The housing proposed is acceptable in context of development plan policy and a clear rationale/justification has been presented for the mix proposed.

9.3 Density:

- 9.3.1 The proposed development has a density of 143 units per hectare. The County Development Plan does not specify any density limits and the site is not within an area subject to a Local Area Plan specifying density limits. The Building Height and Density Guide 2022 includes Indicative Development Scenarios (Section 05), to illustrate locations where mid-to-high density and higher density ranges of 50 units per hectare would be expected in line with national guidance. The most relevant classification is Suburban Infill (Medium). The site is suitable for higher densities than the prevailing residential densities in the area and specifically a density higher than 50 units per hectare on the basis that the site is located along a public transport corridor.
- 9.3.2 The site is at Central and/or Accessible Urban Locations as defined by the Building Heights and Urban Development Guidelines with such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments on the basis that Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services. In the context of the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities the site is located along a public transport corridor (within 500 metres walking distance of a bus stop).
- 9.3.3 There are 4 no. bus stops located within 500m walking distance of the site including three along Kennelsfort Road Upper and one on Coldcut Road including an existing bus stop along the road frontage of the site (to be relocated along the road frontage as part of the proposed layout). The two nearest bus stops, which are within a 2-3 minute walk are serviced by route no. 18 (Palmerstown to Sandymount) operating every 10-25 minutes and route 26 (Liffey Valley to Merrion Square) operating every 15-30 minutes. There is a bus stop within 350m along Coldcut Road and to the south along Kennelsfort Road within 500m of the site serviced by route 26, route 76 (Tallaght to Chapelizoid) operating every 20 minutes and G2 (Spencer Dock to Liffey Valley) operating every 15minutes. The bus route along Ballyfermot Road and

Coldcut Road is a Quality Bus Corridor and such is such is also subject to planned upgrades under Bus Connects (Liffey Valley to City Centre Core Bus Corridor).

9.3.4 Conclusion: I would be of the view that the site is suitable site for increased densities based on both national local planning policy and have no reason to consider that the density proposed is excessive unless other factors such as overall quality of development, visual impact, scale and physical impact on adjoining properties demonstrate to contrary. These aspects of the proposal are all to be explored in the following sections of this report.

9.4 Building Height:

9.4.1 A number of the appeals refer to previous proposal on site under ref no. ABP-312430-22 for demolition of existing building, construction of 144 no. apartments and associated site works. The reason for refusal is outlined under the Planning History section above and relates to policy UC6 – Objective 3. I would refer to the Inspectors report associated with this file, in which the overall form and scale of development was deemed to be acceptable with the refusal purely based on one stated objective requiring that structures over five-storeys can only be considered in regeneration areas that are subject to an approved Local Area Plan or a Planning Scheme. The current County Development Plan does not place this restriction on development. The current Development Plan places no defined restrictions on height at any location and policy in relation to height is under Building Heights and Density Guide 2022 (Appendix 10 of the CDP) with the criteria for assessing height the same criteria set out under Section 3.2 of the Urban and Building Height Guidelines.

9.4.2 The documents submitted include the Statement of Consistency, which includes an outline of how the proposal complies with the Development Management Criteria under Section 3.2 of the Building Height Guidelines which sets out criteria for assessing the scale of the development with regard to the city, street and site level. The Architectural Design Statement outlines how the proposal complies with the

criteria set out under South Dublin County Buildings Height and Density Guide (Appendix 10 of the CDP).

9.4.3 The proposed development consists of four blocks with Block D along the public road and providing for building of five-storeys with the fourth floor level setback for a portion of the structure. The short side of Block A is also along the public road frontage and is a part seven and eight-storeys where it adjoins the junction of the public road and the industrial estate service road and drops to five storeys. Block C running along the northern boundary is five-storeys in height and Block B to the west of the site is part three and part four-storeys in height. The surrounding area is characterised by a mix of development including residential, which is two-storeys, commercial/industrial warehousing which is single-storey/two-storeys and institutional structures (single-storey). There are no existing structures above two-storeys in the immediate vicinity. The site is located in a suburban location and the Urban and Building Guidelines refer to a mixture of 2, 3 and 4 with potential for higher subject to appropriate context.

9.4.4 Section 3.2 of the Building Heights Guidelines states that the applicant shall demonstrate to the satisfaction of the Planning Authority or An Bord Pleanála that the proposed development satisfies criteria at the scale of the relevant city or town, at the scale of district/neighbourhood/street and at the scale of site or building, in addition to specific assessments.

9.4.5 Scale of relevant city/town: The first criteria under section 3.2 of the Building Heights Guidelines relates to whether the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport. I am satisfied that the site is well served by high capacity/frequency public transport services, which are adjacent the site or within walking distance and would have good links to other public transport modes. I would consider that the level of public transport facilities at this location is sufficient to cater for additional population and there are planned upgrades through Bus Connects. The location is suitable area to support a critical mass of population due to its accessibility in accordance with national policy for consolidated urban growth and higher densities.

- 9.4.6 The second aspect of this criterion under this part of the section 3.2 criteria relates to the scale of the development and its ability to integrate into/enhance the character and public realm of an area, having regard to topography, cultural context, the setting of key landmarks and the protection of key views. I have inspected the site and the surrounding area. The visual impact assessment I undertake below in section 9.5 concludes that the proposed development would largely have a positive effect on the cityscape.
- 9.4.7 In regard to the contribution of the development to place-making and the delivery of new streets and public spaces, I note that a section of new cycleway and an upgraded pedestrian route would be provided along the industrial estate access road. A public open space area with a pedestrian route would also be formed between the application site and the adjoining property to the east, with scope to connect into the property adjoining to the north. The development includes improvements to the public realm along Kennelsfort Road Upper, including a landscaped space and improved pedestrian facilities. I am satisfied that the development would make a positive contribution to place-making at the scale of the city.
- 9.4.8 Scale of District / Neighbourhood / Street: This section of the Building Heights Guidelines relate to how the proposals respond to the overall natural and built environment, the contribution of the proposals to the urban neighbourhood and streetscape, whether the proposal is monolithic in form, whether the proposal enhances the urban design of public spaces, legibility and integration with the wider urban area, and the contribution to building/dwelling typologies available in the neighbourhood. I am satisfied that the development responds to its overall natural and built environment by making a positive contribution to the urban neighbourhood, providing much-needed housing and facilitating the future redevelopment of the regeneration lands. The block arrangement, variation in external finishes, setbacks and variation building heights would avoid the creation of a development monolithic in appearance with the provision of gateway element to the REGEN zoned lands due to its location relative to entrance to the wider zoning and would provide for

passive surveillance of the public realm, open spaces and the pedestrian and cycle routes running through the site.

9.4.9 In terms of how the development responds to the overall natural environment, I note the site is of low value in terms of flora and fauna with the proposal including new comprehensive landscaping proposals. I am satisfied that the development would respond appropriately to the existing built and natural environment and the height and scale of the buildings would positively contribute to the urban neighbourhood and streetscape. The site is not considered to be at risk of flooding, a matter that is addressed further below in section 9.11.5 of this report.

9.4.10 With regard to the consideration of the criteria relating to legibility, the proposals would make a positive contribution to the improvement of legibility in the wider urban area with the provision of an additional route along the northern boundary and given the provision of a new section of cycle route on the southern side with the industrial estate access road. Additional positive contributions would arise via the provision of a new pedestrian crossing on Kennelsfort Road Upper, improving connectivity with public bus services. The mix of residential units was discussed earlier, and I am satisfied that given the existing nature of housing in the area, to be formed mainly by three and four bedroom family-size houses, the provision of apartments would add to the typology of housing in this area.

9.4.11 Scale of the site / building: In section 9.7 below, I assess in detail the impact of the height of the proposed buildings on the amenity of neighbouring properties, including the potential for overshadowing and loss of light, views and privacy. I consider the form of the proposed development to be well considered in this regard and issues in relation to sunlight, daylight and overshadowing have been adequately addressed as part of the proposed development (see sections 9.7.3 and 9.7.4 below). I am satisfied that with only a narrow element of the overall proposal features a taller element above five storeys, and given the scale of the site, the separation distances between existing and proposed buildings, and the immediate adjoining land uses, development at the height and scale proposed can be absorbed onto this site.

9.4.12 Specific Assessments : A number of specific assessments have been undertaken and submitted with this application, specifically in relation to sunlight/daylight, air quality and noise impact. The applicant's microclimate report concludes that the proposed development would have no significant adverse effects on microclimate. Evidence to the contrary has not been submitted by parties to the application and the Planning Authority require any mitigation measures, such as the provision of planting to serve as wind breaks, to form conditions in the event of a permission being granted, which I am satisfied would be a reasonable requirement.

9.4.13 The applicant's telecommunications statement states that the proposed development would not have any impact on telecommunications channels. A Screening Report for AA and an Ecological Impact Assessment, including bat and bird surveys, have been submitted as part of the application to demonstrate no significant impact on ecology, and no likely adverse impact on protected habitats or species, including bats and birds. Strategic Environmental Assessment would not be required for this project and screening for EIA concluded that an EIA would not be necessary either (see Appendix 1 below). I am satisfied that adequate information has been submitted and is available to enable me to undertake a comprehensive assessment of the impact of the proposed development.

9.4.14 Conclusion: Overall, I am satisfied that the proposed development would make a positive contribution to the area and would respond well to the natural and built environment in visual terms. At the scale of the neighbourhood there would be capacity to absorb buildings at the height proposed. I am also satisfied that the scale of the site and its context as part of the immediate area of regeneration lands, would readily allow for development at the heights proposed. The building heights proposed would be in accordance with national policy and guidance to support compact consolidated growth within the footprint of existing urban areas, and would satisfy the criteria set down under Section 3.2 of the Urban Development and Building Heights guidelines and the criteria set out under South Dublin County Buildings Height and Density Guide (Appendix 10 of the CDP).

9.5 Visual Impact

9.5.1 The application is accompanied by a Townscape and Visual Impact Assessment and a set of photomontages illustrating the visual impact from 6 points in the surrounding area. The applicants assessment indicates that the visual receptor sensitivity for each viewpoint is low to medium (VP1 and 4 Low, VP2, 3, 5 and 6 Medium Low). The magnitude of visual impact is classified as High-Medium for 3 viewpoints (VP1, 2 and 4), Medium-Low for 2 (VP5 and 6) and Low for 1 (VP3). The Significance/Quality of Visual Impact is classified as Moderate-Slight/, Positive/Neutral for most of the viewpoints (VP1, 2, 4 and slight to negative for 2 (VP3 and 6). The assessment indicates the development will have a slight to negative short term visual impact during construction but will have an overall moderate-slight/positive impact at this location and contribute positively to the visual setting of the area.

Table 4 Viewpoint changes

No.	Location	Description of change
VP1	Kennelsfort Road Upper, southwest of the site	Block A and D would be visible from this short-range viewpoint. I consider that the magnitude of visual change is substantial in the context of the receiving environment.
VP2	Palmers Crescent, northwest of the site.	The entire facade of Block D and upper section of Block A would be visible from this short-range viewpoint. I consider that the magnitude of visual

		change is substantial in the context of the receiving environment.
VP3	Oakmount Avenue adjacent Pobailscoil Iosolde, north of the site	The upper level of Block A would partially visible from this medium-range viewpoint with screening from existing intervening structures and vegetation. I consider that the magnitude of visual change is slight in the context of the receiving environment.
VP4	Kennelsfort Road Upper in front of Palmerstown Court, north of the site	The entire road frontage façade of Block D, the northern facade of Block A and a partial view of Block C from this short-range viewpoint. I consider that the magnitude of visual change from this medium-range viewpoint is slight. In the context of the receiving environment.
VP5	Palmers Road, southwest of the site	The façade of Blocks A and D will be substantially visible from this medium-range viewpoint. I consider that the

		magnitude of visual change from this is substantial in the context of the receiving environment.
VP6	Palmerstown Close (adjacent greenspace), northwest of the site.	The upper levels of Block A, D and C will be visible from this medium-range viewpoint. I consider that the magnitude of visual change from this is moderate in the context of the receiving environment.

9.5.2 The appellants argue that the photomontages are not an accurate reflection of the visual impact and that the public road is narrower than it looks in such. The applicant has stressed that photomontages have been carried out by a qualified practitioner and based on 3D surveys carried out. In my view I have no reason to doubt that the photomontages submitted are an accurate reflection of the visual impact of the proposal. In terms of road width the proposal is providing a generous setback of the western elevations of Block A and D with a substantial area of public open space consisting of footpaths a deep grass verge with landscaping and wide pedestrian pathway immediately adjacent the western elevations. I would note that the photomontages do show the development with mature vegetation and that the likelihood is that it will take a bit of time for planting provided to be fully developed.

9.5.3 I would be of the view that the overall visual impact of the development in the wider area despite the height of the proposed development would not be significant or negative and that its location in the established built up area will mean views are intermittent and partial with a significant level of intervening structures and

vegetation. In the immediately intervening area the visual impact of the proposal will be significant due to the change in scale from existing structures on site, which have a large footprint but are relatively low profile. Notwithstanding such I am of the view that although the visual impact in particular along Kennelsfort Road Upper is significant it would not be a negative visual impact. The appeal site is zoned REGEN and is part of wider set of lands earmarked for development. As indicated earlier these are areas where increased building heights are supported by local and national policy. The development provides for a consistency of height along the majority of the road frontage with a five-storey block, which does feature a partial setback at fourth floor with the higher elements of seven to eight-storeys concentrated at the junction and being relatively slender in nature. The site also has a significant level of road frontage allowing for the provision a structure (Block D) that provides a wide frontage elevation and a consistent height over such, which means the step up to the higher heights of Block A is not a significantly abrupt transition in height. I would be of the view that provision of a taller structure at what is major junction at entry to the REGEN land appropriate and would be acceptable in the context of the visual amenities of the area.

9.5.4 Conclusion: I am satisfied that the overall visual impact of the development although entailing significant change in scale from existing development on site and the surrounding area can adequately be absorbed at this location and would be acceptable in the context of the visual amenities of the area.

9.6 Urban Design:

- 9.6.1 The application was accompanied by an Architectural Design Statement, which includes an assessment of the development against the 12 criteria set out under the Urban Design Manual. The Planning Authority's assessment was the proposed development is of sufficient quality in terms of overall urban design.
- 9.6.2 In my view the proposed development is of a reasonable standard in terms of overall urban design and stands up to scrutiny in the context of 12 no. criteria under the Urban Design Manual. The proposal exhibits variation in terms of its design including height, setbacks and external finishes, provides good quality in terms of

the public realm with the provision of public open space, hard and soft landscaping, adequate connectivity through the site and adjoining areas with future connectivity to adjoining sites possible. The level of public and communal open space is consistent with the required standard (refer to Section 9.6.4 below). The proposed development will provide a much enhanced public realm over the existing arrangement with better provision for pedestrians and cyclists and a more active street frontage along the western and southern frontages.

9.6.3 Conclusion: I would be of the view that the proposed provides an acceptable standard of urban design and fulfils the 12 criteria set down under the Urban Design Manual.

9.7 Residential Amenity – Future Occupants

9.7.1 Quality of Units – Floor Area: A ‘Housing Quality Assessment’ as part of the Architectural Design Statement has been submitted with the application and demonstrates that all units meet the standards set down out under Sustainable Urban Design Standards for New Apartments (Department of the Environment, Heritage and Local Government).

9.7.2 In case of apartment units, all units exceed the minimum required floor areas, with 78 units (61%) providing for over 110% of the required minimum floor area. The proposed apartments are compliant with SPPR 3 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’.

9.7.3 In the case of the apartment units 62% (79) are dual aspect units and in compliance with SPPR 4 of the apartment guidelines for development in suburban or intermediate location (50% requirement). The proposed floor to ceiling heights are in accordance with SPPR 5 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’. The provision of lifts per floor is in compliance with SPPR 6 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’.

9.7.4 Amenity Space: All apartment units are provided with adequate private amenity space in the form of balconies for the upper floor units/ terraced areas for the ground floor units. Access is from the living room/shared kitchen-living room area for all units. All balconies have at least 1.5 m depth.

9.7.5 Public open space provision is in the form an area at ground floor level running along the western and northern boundary and incorporating hard and soft landscaping including a pedestrian path with an area of 1,525sqm. The space is 17.1% of the site area. Development Plan policy under Section 8.3.7 of the CDP states that “the overall standard for public open space is 2.4 hectares per 1,000 population. This will be applied to all developments with a residential element. Within that standard, there are specified percentages as set out in Table 8.2 which must, as a minimum, be provided on site. Only in exceptional defined circumstances, as set out in the objectives below, will flexibility be provided for”. Under table 8.2 for New Residential Development on Lands in Other Zones including mixed use the minimum requirement of 10% of the site area. Despite being lower than overall development plan standards the level of public space does meet the minimum standard set out under Table 8.2 of 10% and is sufficient in level to provide for the future amenities.

9.7.6 Communal space of 1,287sqm (c. 14.5% of the site area) is provided in the form of a podium level courtyard area between the blocks. The recommend standards for communal open space serving apartment units is contained under Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments (2022) and based on the number of apartment units the target level of communal open space is 834sqm. The level of communal open space provided is 1,287 sqm and is well in excess of the recommended standard.

9.7.7 Daylight and Sunlight: Daylight and Sunlight: A ‘Daylight and Sunlight Analysis Report’ 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, 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

The submitted assessment undertook a number of tests and in relation to daylight and sunlight provision within the proposed development.

9.7.8 Site Sunlight and Shading: An assessment of sunlight within both the proposed public and communal open space areas indicate that both spaces meet the BRE requirement is that a minimum of 50% the amenity space shall receive two or more hours of sunlight on the 21st of March.

9.7.9 Daylight Analysis: The Sunlight and Daylight Analysis report assesses the proposed units (apartments) in terms of both Average Daylight factor (ADF) based on BS 8206-2:2008, Daylight Factor (DF) based on both IS EN17037/BS EN 17307:2018 and Daylight Factor (DF) based on BS EN 17037:2018 National Annex alternative Guidelines.

In relation ADF all rooms tested meet the target values for bedrooms (1%) and shared living-kitchen (2%) with 100% compliance with the target values of BS 8206-2:2008.

In relation to Daylight Factor (DF under IS EN17037/BS EN 17307:2018) the target values are a DF of 2.0% on over 50% of the floor area for over 50% of the daylight hours and a minimum target of 0.7% on over 95% of the floor area for over 50% of the daylight hours. 95% of the rooms tested comply with the target value with only 3 no. rooms (bedrooms) slightly below the 2.0% target value.

In relation to Daylight Factor (DF under BS EN 17307:2018 National Annex alternative guidelines (the target values are a DF of kitchen, 1.3%, living room, 1.0% and bedrooms 0.7% for each over 50% of the floor area for over half the daylight hours for Dublin). There is 100% compliance with these target values.

9.7.10 Conclusion: The proposed development provides for sufficient levels of daylight and sunlight to the proposed residential units and associated public and communal open space areas and will result in an acceptable level of residential amenity for future occupants of this development.

9.8 Residential Amenity - Adjoining Amenities:

9.8.1 The appeal submission raises concerns regarding the design and scale of the development in the context of their adjoining amenities. The appeal submission raise concerns regarding the development having an overbearing impact, resulting in overshadowing and loss of light and reduced levels of privacy. The appeal site is located on the east side of Kennelsfort Road Upper. The site is located within the Cherry Orchard Industrial Estate with the public road defining the western boundary of the site. The closest existing dwelling to the appeal site are the dwellings with Palmers Crescent and Palmers Park, which are a mixed of two-storey detached and semi-detached dwellings. The dwellings nearest Kennelsfort Road Upper present their side gable walls roadside boundary along the public road.

9.8.2 The site layout provides for 4 no. blocks (A, B, C and D). Block A and D are located along Kennelsfort Road with Block D providing for a 5-storey block with the fourth floor partially setback from the front elevation. Block A (provides its short side fronting the public road with its long elevation along the industrial estate road) and is part 5, 7 and 8-storeys. The portion of the block fronting the public road is part 7 and part 8-storeys. There is a level of setback from the public road on the appeal site to provide hard and soft landscaping and pedestrian areas. The level of separation provided between the road side elevation of Block A and D are 33.3m between the western elevation Block A and the side elevations of no. 10 Palmers Park and 26.7m in the case of no. 1 Palmers Park. The separation between Block D and the side elevation of no. 2 Palmers Crescent is 33.1m.

9.8.3 Daylight, sunlight, overshadowing: A 'Daylight and Sunlight Analysis Report' 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, 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

The submitted assessment undertook a number of tests and these are detailed in the following section of this report.

9.8.4 Daylight impact: The Vertical Sky Component (VSC) is a measure of how much direct daylight a window is likely to receive. The Vertical Sky Component is described as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. 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.

9.8.5 The applicant has assessed impact on a number of windows at dwelling no.s 2 and 4 Palmerstown Court (front elevation facing Kennelsfort Road Upper), no. 2 and 4 Palmers Crescent (no. 2 front elevation and eastern gable, no. 4 front elevation), no. 1 and 3 Palmers Crescent (no. 1 front, rear and eastern gable, no. 3 front elevation) and no. 10 Palmers Park (eastern gable). The assessment also includes windows on the northern elevation of the Cawleys Furniture building to the south of the site and windows on the southern elevation of Deli Meat Supplies Unit to the east of the site.

9.8.6 The analysis of the above listed units shows that in the case of all windows tested existing VSC values pre-development range from 33-36%. The results of the

analysis post-development shows all windows tested retaining a value in excess of the target value of 27% (ranging from 30-33%).

9.8.7 Sunlight and Shading: The submitted report includes an assessment of sunlight impact on amenity spaces associated with the closest residential development and provides test results for communal open space and public open space areas. The BRE requirement is that a minimum of 50% of the amenity space shall receive two or more hours of sunlight on the 21st of March. An assessment has been carried out for no. 1, 2, 3, 4, 5, 6 and 7 Palmers Crescent (front and back gardens), no.s 8, 9, 10, 11, 12, 13 and 15 Palmers Crescent (front garden), and no. s IA, IB, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Palmers Park (front and back gardens). The results of the assessment are that all amenity spaces assessed associated with the existing dwellings retain in excess of the target value under BRE guidelines.

9.8.8 Overlooking: The issue of overlooking relative to adjoining properties raised the appeal submission. Block D is located on the opposite side of the Kennelsfort Road to the dwelling in Palmers Crescent and is five-storeys in height with a portion of the fourth floor elevation setback along the road frontage. The apartments along this frontage provide for a mixture of living spaces and bedrooms with windows orientated west with recessed balconies provided. The level of separation of Block D and the existing dwellings (Palmers Crescent) on the opposite side of the road is 33m between the nearest points. Block A presents its short side to the public road and is seven to eight storeys at this elevation. The configuration of the layout is such that no living spaces are located on the western side with all bedrooms along the western elevation on all floors from first to seventh and any balconies provide on the southern or northern elevation. The level of separation between the western elevation of Block A and existing dwellings (Palmers Crescent) is 26.7m at their nearest points.

9.8.9 The western orientation of Block D and A are onto the public area to the west. This includes the public road and a public area along the road frontage providing pedestrian pathways and hard and soft landscaping. Beyond the public area to west

are the existing dwellings at Palmers Crescent and Palmers Park with the dwellings immediately opposite the site orientated north/south with their gable walls facing the public road. These dwellings have a limited level of windows on their gables and such are not serving the primary living spaces of such. Having regard to fact the nearest dwellings on the opposite side of the road have their main windows orientated north south, I would be of view that overlooking of internal areas associated with existing dwellings is not possible. The nearest dwellings orientated towards the public road in Palmerstown Court are sufficiently offset from the site to be impacted.

9.8.10 In relation to the private amenity spaces associated with existing dwellings, I would note that such are likely to be visible from upper floors on the western facades of Blocks A and D, however the impact of such would reduce the further the distance from the site. The existing dwellings do have boundary treatment and existing extensions and ancillary structures that would screen private amenity space to some extent from the upper levels/amenity areas of the proposed development. There would already be scope for overlooking of these amenity areas and associated loss of privacy from the first-floor windows of the neighbouring houses and I do not consider that the proposed development would present any worse a situation than that which presently exists in this regard. I would consider that the separation distances that would be achieved from neighbouring residences would be typical for an urban setting earmarked for intensive regeneration and the existing intervening public roadway and green verges would offer additional visual distraction and buffers between the existing and proposed residences.

9.8.11 Conclusion: I am satisfied that the overall design and scale would have adequate regard to the amenities of adjoining properties and would be acceptable in the context of daylight and sunlight/overshadowing, impact in terms of overlooking and its general physical relationship to existing residential development in the area. The proposal provides an appropriate balance between providing a development that is an efficient use of zoned, serviced accessible lands and protecting adjoining residential amenity.

9.9 Traffic and transportation:

9.9.1 The proposed development is located on the eastern side of Kennelsfort Road Upper within Cherry Orchard Industrial Estate. The site is occupied by a vacant commercial warehouse structure with it and surrounding commercial development accessed using an existing service road running along the southern edge of the site with vehicular access off Kennelsfort Road Upper adjacent the south western corner of the site. The proposed development is to be accessed in terms of vehicular traffic by the existing entrance off the public road with a new service road running along the eastern edge of the site linking into the existing industrial estate service road adjacent the south eastern corner of the site. The appeal submission raises significant concerns regarding the traffic impact of the proposed development with the existing public road argued to be subject to congestion currently. The proposed development in conjunction with other permitted developments in the area and the existing Retail Park to the south will exacerbate such with an adverse impact on the residents of the area with particular reference to the existing housing development opposite the development site that also access Kennelsfort Road Upper.

9.9.2 Traffic Assessment: The application was accompanied by a Traffic Impact Assessment (TIA) prepared by TPS M Moran & Associates. The TIA includes and analysis of local network capacity with traffic surveys carried out at three junctions to establish the existing traffic situation. These junctions are as follows...

- Kennelsfort Road Upper / Palmers Crescent
- Kennelsfort Road Upper / Cherry Orchard Industrial Estate
- Kennelsfort Road Upper / Ballyfermot Road / Coldcut Road signal junction

The TIA outlines existing and future public transport infrastructure serving the site and surrounding area. Along Kennelsfort Road is Route 18 (Palmerstown to Sandymount) and Route 26 (Liffey Valley to Merrion Square) with existing bus stops within a 2-3 minute walk of the site. The site is also within walking distance to

Clondalkin and Ballyfermot QBC with the bus stops within a 4 minute walk of the site. This QBC operates the no. 26, 40 and 76 bus routes. This QBC is part of Bus Connects project (Route 7) with a number of upgrades proposed.

9.9.3 The trip generation associated with the proposed development is modelled with it stated that the development would generate limited traffic levels during the AM and PM peak hours. The TIA has added a worst-case scenario growth situation to estimate future traffic levels in the area. The assessment junction capacity is focused on the junction of the Kennelsfort Road Upper / Cherry Orchard Industrial Estate, which is the main junction impacted by the proposed development. The assessment estimated the at completion of the apartment development ad up to the year 2040 for the AM and PM peak (Fig 2.0 of the TIA). The TIA states that the junction will operate within capacity for the AM and PM up to a future year of 2040 with no material queuing projected. No objection was raised to the proposal in terms of traffic on the road network by the Councils' Transportation Section.

9.9.4 The indication is that the main junction impacted by the proposal will operate within capacity post completion of development up to a design year of 2040. The assessment is carried out on the basis that 100% of the traffic associated with the development will use this junction giving a worst case scenario result. The assessment does not account for the fact that traffic exiting the development has the option to turn left with an alternative access available to Ballyfermot Road (junction adjoining Lidl) to the south east of the site.

9.9.5 The traffic assessment concludes that the overall impact of the proposed development on the local network will be satisfactory. I am satisfied that the TIA takes a reasonable approach to assessing the traffic compact of the proposed development on the local network. In regards to cumulative impact of other permitted developments in the area identified by the appellants, the assessment applies a traffic growth factor in the modelling approach to assessing future impact of the proposal. The appeal site is also located in a location accessible to public transport infrastructure and in walking distance of a wide array of employment,

social/community services, retail development and local services concentrated in Palmerstown and Ballyfermot. The nature of the road network at this location is that not all traffic will use the junction onto Kennelsfort Road Upper with an alternative route to the south east.

9.9.6 Car Parking: Development Plan parking standards are set out under Table 12.25 for non-residential and Table 12.26 for residential and are maximum rates. The site is within zone 2. The maximum requirement for the residential component is 121 spaces whereas for the employment uses it is 4.5. Parking provision is 64 no. car parking spaces including 1 car club space and 1 set down space. The provision of parking is at rate of 51% of the maximum parking standard. In addition to car parking 8 no. motorbike stands are provided.

9.9.7 The parking standards are a maximum standards with the CDP stating that “the number of spaces provided for any particular development should not exceed the maximum provision. The maximum provision should not be viewed as a target and a lower rate of parking may be acceptable subject to” a number of factors including proximity to public transport infrastructure, proximity to serves, the existence of a robust and achievable Workforce Management or Mobility Management Plan and the ability of the surrounding road network to cater for an increase in traffic.

9.9.8 The sites is well served in terms of public transport with a number bus routes in close proximity/walking distance of the site including a QBC that is to be upgraded as part of the Bus Connects project. The site is within walking distance of local services including Palmerton Community School, Palmerstown Centre, which has retail and community uses. The site is also within a 30 minute walking distance Ballyfermot to the east and Palmerstown to the north and the associated services in each.

9.9.9 The TIA states that a Mobility Management Plan can be operated by the Management Company to encourage and facilitate travel by sustainable means. The objectives of such would be to reduce traffic generation and promote and encourage

use of public transport infrastructure, cycling and walking. The TIA states that this plan would be completed with 6 months of completion of the development when it would be expected to be fully occupied and it suggested that such should be subject to condition. It is stated that a welcome travel pack would be distributed for all new residents and that all measures outlined in the plan would be implement. It is my view that the proposed scheme is in accordance with the provisions of the development plan and of the Apartment Guidelines and that the proposed quantum of car parking is appropriate in this instance.

9.9.10 The planning authority raised no objection to the proposed quantum of car parking. I am satisfied that the proposed level of parking is satisfactory in the context of ensuring that the development is not serviced by excessive level of parking that would generate traffic and in the context of its location accessible to local services and public transport infrastructure.

9.9.11 Bicycle Parking: The proposal entails the provision of 230 no. residents bikes stands sand 68 no. visitor bike stands. Table 12.23 of the CDP provides Minimum Bicycle/Storage Rates. The minimum requirement under CDP policy is 201 long stay spaces (1199 for residential and 2 for the employment use) and 61 short stay spaces (59 for residential and 2 for the employment use). The provision of cycle parking is in full compliance with the minimum standards set out under Table 12.23 of the CDP.

9.9.12 Connectivity/Layout: The site has road frontage along Kennelsfort Road Upper, with an existing cycle path running along footpath running along the eastern side of the public road and a dep grass verge along the western boundary of the existing warehouse structure on site. The southern boundary of the site is defined by a service road providing access to the Industrial Estate the site is part off and such has narrow footpath running along its northern side with existing trees and grass verge. The proposal entails significant improvement in terms of connectivity with provision of an inner and outer footpath along the eastern side of the development and along the public road with a soft landscaping in between. The proposal also entails provision of an improved cycle path (widened to 2.25m) along the eastern

edge of the public road. Along the southern side of the development will the provision of an improved pedestrian footpath, provision of a grass verge with soft landscaping and provision a dedicated cycle path along the northern side of the existing Industrial Estate Service road. Along the northern side of the development is to be a linear park with a pedestrian path through such that will provide access to the eastern side of the development and future development on adjoining lands within the REGEN zoning to the east.

9.9.13 The TIA includes a section outlined how the proposal complies with objectives of the Design Manual for Urban Roads and Streets (March 2013). The proposal will allow for improvement of junction radii (northern side of junction) with visibility of 49m x 2.4m amiable at the vehicular entrance onto the public road in compliance with DMURS standards (public road with a bus lane).

The Council have indicated satisfaction with the proposal in terms of connectivity however did raise a few issues with such reflected in the conditions applied (relating to pedestrian crossings, tactile paving, and connectivity of cycle paths). I would consider that these issue can be dealt with by way of condition. The provision of relocated bus stop and pedestrian crossing on Kennelsfort Road does require agreement. Connection between the cycle paths along both road frontages of the site and tactile pavement would be desirable. I am of the view that provision of pedestrian crossing on Industrial Estate Road is desirable and can see no reason such cannot be agreed.

9.9.14 Conclusion: The proposed development is satisfactory in the context of its overall traffic impact at this location. Sufficient car and bicycle parking is provided with the level of car parking satisfactory in the context of the location of the site at an accessible location in terms of public transport and local employment and services with regard had to need to shift the emphasis to use of alternative modes of transportation and reduce dependency on vehicular traffic in accordance with national, regional and local planning policy. The proposed development would provide an improved level of connectivity with enhanced cycle path and pedestrian infrastructure.

9.10 Education/Childcare Demand:

9.10.1 The proposal is for 127 no. apartment units and does not entails the provision of an integrated childcare facility. This is on the basis that the development when the one bed units are discounted the development consists of 72 apartment units (two and three bed) and is below the threshold of 75 units under which a childcare facility would be appropriate and is set out in the Statement of Childcare Rationale included with the application.

9.10.2 The applicants submitted a Community Infrastructure Audit. In terms of existing childcare facilities the audit identifies that there are 11 such facilities within a 2km radius of the site and a further 5 within a 2.5Km radius of the site.

9.10.3 The development provides for 55 no. one-bed units, 41 no. two-bed units and 31 no. three-bed units. Excluding the one-bed units yields a total of 72 units, which is below the threshold level set under the Childcare Guidelines require the provision of a childcare facility. In addition the Community Audit demonstrates that there are a significant number of childcare facilities within the area. I am satisfied on this basis that there is no requirement for an integrated childcare facility in this case.

9.10.4 In relation to school provision in the area the Community Infrastructure Audit identifies that there are 8 no. primary schools within a 2km radius of the site, which cater for a population of 1,995 children. In relation to secondary schools, there is one secondary school within the 2km radius of the site (Pobailscoil Iosolde located a short distance to the north of the site), which caters 795 pupils (base on 21/22 enrolment). There are a further two secondary schools just beyond the 2km radius and cater for a combined 1,298 pupils (based on 21/22 enrolment).

9.10.5 Conclusion: I am satisfied based on unit mix and the number of two and three bed units (72), that there is no requirement for an on-site childcare facility. I also consider that the area is well served by existing childcare and educational facilities

to serve the demand of the proposed development and established residential development in the area.

9.11 Ecology/Biodiversity:

9.11.1 The appeal site is brownfield urban site and is occupied by a larger warehouse structure with hardstand, palisade fencing. There is a deep grass verge located along the roadside frontage of the site and a narrow grass verge with trees located along the industrial estate road to the south. The applicant has submitted an Ecological Impact Assessment.

9.11.2 The existing habitats on site consist mainly of Buildings and Artificial Surfaces (BL3) and Recolonising bare ground (ED3) with natural habitat consisting of Dry meadows and grassy verges (GS2) along the northern and western side of the site and Treelines (WL2) along the south boundary of the site. A number of surveys were carried out on site. In relation flora no rare were recorded on site. In relation to bats the surveys of the site and existing structure did not detect any bat activity. The site and the existing trees to the south were assessed for bat roost potential and to be determined to be of low suitability for roosting. The site was determined not to be a habitat for other terrestrial mammals including otter, badger and a number of other species identified in the report. In relation to birds a survey carried out identified only wood pigeon on site with the site of low for terrestrial birds with no species of conservation status detected on site. In terms of invasive species no high species were identified on with 2 no. medium risk species identified (Buddleia and Winter Heliotrope). The site is classified as been of low ecological value.

9.11.3 The application was accompanied by an Arboricultural Report. The report identifies 11 trees with 7 within the grass verge along the southern boundary and 4 no. along the western boundary/in the grass verge. 10 of the trees are classified as category C (low quality with life expectancy less than 10 years) and 1 classified as category U (poor condition/low life expectancy). All trees are proposed for removal as they are classified as being of low value and condition. The application is accompanied by a landscaping plan that includes provision of trees along the southern boundary in the

grass verge, along the western boundary within the wider grass verge and along the norther boundary within the public open space area.

9.11.4 Conclusion: I am satisfied that sufficient information has been submitted regarding the ecology and biodiversity on site and I am satisfied that the site is low value in terms of being a habitat for flora and fauna. The site is an industrial site in an existing built up area and is of low ecological value. I am satisfied the overall impact in terms of ecology and biodiversity is acceptable and that the proposed design and layout provides for an increase in the level soft landscaping areas and enhanced levels of tree planting over the existing scenario on site.

9.12 Other Issues

9.12.1 The appeal submission and observation are of the view that the development will be a build-to-rent development and is inappropriate form of development. The development is not a build-to-rent development and there is no reason to assess it on this basis.

9.12.2 Concerns are raised regarding the impact of construction having regard to proximity and height of the proposal with concerns regarding debris falling also the issue of working hours is raised. I am satisfied construction management can deal with issue of health and safety and would note that the construction sites are subject to requirements of Health and Safety obligations. The applicant sets out intended working hours of 08:00 to 20:00 hours Monday to Friday and 08:00 to 14:00 hours on Saturdays in their Outline Waste and Construction Management Plan with an observation requesting the working hours to be provide for a finishing time of 19:00 hours. As would be standard practice, I am satisfied that site development and building works should only be carried between the hours of 07:00 to 19:00 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. A condition can be attached to this effect in the event of a grant of planning permission.

9.12.3 The appeal submission all concern impact on adjoining residential development. The appeal site is adjoined by other uses including other industrial/commercial development within the industrial estate, restaurant use to the north and a school further north. The applicants Daylight and Sunlight Assessment report includes an assessment of potential windows on future development to the north and west (potential ground floor windows) with the results indicating a negligible impact in relation to VSC. The application is accompanied by Framework Plan indicating how the proposal would integrate with future potential development of the adjoining lands zoned REGEN. I am satisfied that the proposal would not impact adversely on the amenities of any of non-residential adjoining properties and would consider that the school is sufficiently remote from the appeal site to be impacted. I am also satisfied that the proposal would not compromise future development potential of adjoining lands.

9.12.4 In relation to drainage infrastructure and services the applicant the application was accompanied by a Civil Engineering Services report detailing proposals for surface water, foul drainage and water supply with the site located in a serviced urban area. The applicant has submitted a confirmation of feasibility of connection to drainage infrastructure from Irish Water and no objection was raised by the Councils Water Services Department subject to conditions including further details to be agreed regarding attenuation/SuD measures and the Parks and Public Realm Department were seeking revised calculation and achievement of minimum GSF (Green Score Factor). Conditions were applied to deal with both these aspects of the proposal and I am satisfied that appropriate conditions in relation to drainage would be sufficient in the event of a grant of permission.

9.12.5 In relation flood risk the Civil Engineer Services Report provides includes a section in relation Flood Risk Assessment. I am satisfied that the appeal site is at a location not susceptible to any form of flooding (coastal, fluvial, pluvial and groundwater, no record of flood events at this location) and the proposed development would not be at risk of flooding.

10.0 Recommendation

10.1. I recommend that permission be granted subject to the conditions outlined below.

11.0 Reasons and Considerations

11.1 Having regard to

(i) the site's location on lands with a zoning objectives for 'REGEN', and objective provisions in the South Dublin County Development Plan 2022 - 2028 in respect of residential development,

(ii) the nature, scale and design of the proposed development which is consistent with the provisions of the South Dublin County Development Plan 2022 - 2028 and appendices contained therein,

(iii) to the 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) Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').

(vi) 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, July 2023,

(vii) Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021,

(viii) to the pattern of existing and permitted development in the area, and

(ix) to the submissions and observations received,

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.

11.2 Appropriate Assessment (AA)

11.2.1 The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a suitably zoned and adequately serviced urban site, the Natura Impact Statement submitted with the application, the Inspector's Report, and submissions on file.

11.2.2 In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other developments 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.

12.0 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 proposed development shall be amended as follows...

- a) The pedestrian cross on Kennelsfort Road requires relocation of existing bus stop the details of such should be agreed with SDCC.
- b) Provision for pedestrian cross to the south of the site providing for connection with the opposite side of the Industrial Estate Road.
- c) Provision of appropriate connection between existing cycle path along Kennelsfort Road and new cycle track along the south of the site.
- d) Provision of appropriate connection of footpath along the Kennelsfort Road frontage and existing footpaths to the north and south.
- e) Revised design provision adequate tactile paving on the footpath and cycle path on approach to development access junction.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of orderly development.

3. 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 and shall have regard to impact in terms of biodiversity.

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 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 minimum of 10% of all car parking spaces 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. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

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

9. The level of communal bicycle parking spaces specified (298) spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted 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.

10. Drainage arrangements including the attenuation and disposal of surface water, Green Factor Score 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.

11. The developer shall enter into water and waste water connection agreement(s) with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health.

12. 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.

13. (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.

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

14. 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. 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.

15. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted Construction Environmental Management Plan, Ecological Impact Assessment and Tree Survey, in addition to the following:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of access points to the site for any construction related activity;
- c) Location of areas for construction site offices and staff facilities;
- d) Details of site security fencing and hoardings;
- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) 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;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
- i) 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;

- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. Reason: In the interest of amenities, public health and safety.

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

16. 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.

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

- (a) notify the planning authority in writing at least four weeks prior to the

commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

18. 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 Act 2000, as amended, and of the housing strategy in the development plan of the area.

19. 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.

20. 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.

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.

Colin McBride
Senior Planning Inspector

29th September 2023

APPENDIX 1 EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference – ABP-317668-23		
Development Summary	Construction of 127 apartments units and 3 no. incubator units	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	
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 out pursuant to other relevant Directives – for example SEA	Yes	<p>The following has been submitted with the application:</p> <ul style="list-style-type: none"> • An Ecological Impact Assessment (EclA) which considers the Habitats Directive (92/43/EEC) and the Birds Directive 2009/147/EC). • A Civil Engineering Services Report which have had regard to Development Plan policies regarding the Water Framework Directive (2000/60/EC) and the Floods Directive (2007/60/EC). • An Outline Waste and Construction Management Plan which considers the Waste Framework Directive (2008/98/EC).

		<ul style="list-style-type: none"> • An Air Quality Analysis Report which considers the EIA Directive and The European 2008/50/EC Clean Air for Europe (CAFÉ) Directive and National Emissions reduction Commitments (NEC) Directive (2016/2284/EU). • A Noise Impact Analysis Report which considers EC Directive 2002/49/EC (END). <p>SEA and AA was undertaken by the planning authority in respect of the South Dublin County Development Plan 2022-2028.</p>	
B. EXAMINATION	Response: Yes/ No/ Uncertain	<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)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	There is a clear consistency in the nature and scale of development in the surrounding area, comprising low-rise buildings of varying uses, including industrial/warehousing, commercial, residential and educational buildings. While the proposed building heights would not be in character with surrounding heights,	No

		the proposed development is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.	
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development will change some land currently in commercial use to a predominantly residential development with some commercial development. There are no substantive waterbodies on site or proximate to the site.	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?	Yes	Construction materials will be typical of such urban development. The loss of natural resources as a result of the redevelopment 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?	Yes	Asbestos has been identified in the roof of the building to be demolished. Proposals for safe removal and disposal of this material have been outlined and would be finalised as part of the project Construction Environmental Management Plan (CEMP) and Construction and Demolition Waste Management Plan (CDWMP). Construction activities will require the use of potentially harmful materials, such as	No

		fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in a CEMP and a CDWMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in a CEMP and a CDWMP would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.	No
1.6 Will the project lead to risks of contamination of land or water from releases	No	No significant risks are identified. Operation of standard measures	No

<p>of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>		<p>outlined in a CEMP and a CDWMP will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services and discharge surface waters only after passing through a fuel interceptor and a hydrobrake to the public network. Surface water drainage will be separate to foul drainage within the site and leaving the site</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in a CEMP and a CDWMP. Management of the scheme in accordance with an agreed management plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Yes</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a CEMP and a CDWMP would satisfactorily address potential risks on human health. No</p>	<p>No</p>

		significant operational impacts are anticipated, with water supplies in the area provided via piped services.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk is predicted having regard to 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. The site is outside the consultation / public safety zones for Seveso / COMAH sites.	No
1.10 Will the project affect the social environment (population, employment)	Yes	Population of this urban area would increase. Housing would be provided to meet existing demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Application is part of lands zoned REGEN.	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	No	Sensitive ecological sites are not located on site. The nearest European sites are listed in table 2 of this report and other designated sites, including proposed Natural Heritage Areas (pNHA) are referred to by the applicant in their Ecological Impact Assessment. The River Liffey pNHA is located 1km to the northeast of the site	No

<p>interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>and the Grand Canal pNHA is located 2km to the south. The proposed development would not result in significant impacts to any of these sites. Annex II habitats or habitat suitable for protected species, including plants, were not found on site during ecological surveys.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>No</p>	<p>Site is an existing urban brownfield site with existing warehouse structure and hardstanding. The existing structure on site and trees were assessed for roosting potential for bats with it concluded such are not suitable for roosting. The proposed development would not result in significant impacts to protected, important or sensitive species. Biodiversity measures in the form of additional tree planting is anticipated to be of benefit to nesting and foraging birds.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>The site and surrounding area does not have a specific conservation status or landscape of particular importance and there are no Protected Structures on site or in its immediate vicinity.</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,</p>	<p>No</p>	<p>No such features are in this urban location.</p>	<p>No</p>

agriculture, water/coastal, fisheries, minerals?			
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwater which could be affected by the project, particularly in terms of their volume and flood risk?	No	The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No		No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	Direct access would be provided to the industrial estate access road. The site is served by an existing urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	No	A school is situated to the north of the site, however, arising from the project, including standard measures of a CEMP and a CDWMP, no significant construction or operational impacts would be anticipated for this facility.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development	No	No existing or permitted developments have been identified in the immediate	No

result in cumulative effects during the construction/ operation phase?		vicinity that would give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
The nature, characteristics and location of the proposed development means that it would not be likely to have significant effects on the environment.			

Inspector: **Colin McBride**
Date: **29th September 2023**