



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317724-23

#### Development

Demolition of 4 sheds within the curtilage of a protected structure; retention and conversion of Scholarstown House (protected structure) into two residential units comprised of 1 two bed and 1 three bed unit; 74 apartment units; all ancillary site development works; 40 car parking spaces and 183 cycle parking spaces. Protected Structure: Scholarstown House (RPS Ref: 322).

#### Location

Scholarstown House, Scholarstown Road, Dublin 16.

#### Planning Authority

South Dublin County Council

#### Planning Authority Reg. Ref.

SD22A/0401

#### Applicant(s)

Emmaville Limited.

#### Type of Application

Planning Permission.

#### Planning Authority Decision

Grant Permission.

#### Type of Appeal

Third Party

|                                |   |
|--------------------------------|---|
| <b>Appellant(s)</b>            | Orlagh Grove Residents.<br>Paul Daniel. |
| <b>Observer(s)</b>             | No Observers.                           |
| <b>Date of Site Inspection</b> | 10 <sup>th</sup> of September 2024.     |
| <b>Inspector</b>               | Elaine Sullivan                         |

## Contents

|  |    |
|--|----|
| 1.0 Site Location and Description .....  | 4  |
| 2.0 Proposed Development .....           | 4  |
| 3.0 Planning Authority Decision .....    | 5  |
| 3.1. Decision .....                      | 5  |
| 3.2. Planning Reports .....              | 6  |
| 3.3. Prescribed Bodies .....             | 11 |
| 3.4. Third Party Observations .....      | 11 |
| 4.0 Planning History .....               | 12 |
| 5.0 Policy Context .....                 | 12 |
| 5.1. Development Plan .....              | 12 |
| 5.2. National Planning Policy .....      | 17 |
| 5.3. Natural Heritage Designations ..... | 20 |
| 5.4. EIA Screening .....                 | 20 |
| 6.0 The Appeal .....                     | 20 |
| 6.1. Grounds of Appeal .....             | 20 |
| 6.2. Applicant Response .....            | 22 |
| 6.3. Planning Authority Response .....   | 24 |
| 6.4. Observations .....                  | 24 |
| 7.0 Assessment .....                     | 24 |
| 8.0 AA Screening .....                   | 41 |
| 9.0 Recommendation .....                 | 48 |
| 10.0 Reasons and Considerations .....    | 49 |
| 11.0 Conditions .....                    | 49 |
| Appendix 1 – Form 1: EIA Pre-Screening   |    |

## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 0.79 hectares and is located in the south Dublin suburb of Ballyboden. It is positioned on the south-eastern corner of the Scholarstown Roundabout, approximately 350m from the M50 motorway. To the east the site is bounded by St. Colmcille's Community School and to the south by a small neighbourhood centre which comprises a Spar convenience shop, a creche, beauty clinic and two takeaways. To the north of the site and on the opposite side of Scholarstown Roundabout is the residential development of Ros Mór View. Directly to the east of Ros Mór View is the Two Oaks development, a recently completed apartment development of 590 units. Development to the north-west and south-west of the site is residential in nature and mainly comprises traditional two storey housing developments.
- 1.2. Access to the site is from the Scholarstown Road which bounds the site to the north. The western site boundary runs along Orlagh Grove, the local access road to the Orlagh Grove housing development which extends to the west and south of the subject site.
- 1.3. The site currently comprises Scholarstown House, a protected structure, (RPS Ref. 322), and a number of outbuildings and sheds. A mature treeline forms the site boundary on all sides with a central grassed area to the front of the house. All boundary walls are of modern, block construction and the house is not visible from the public road or footpath.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for the demolition of four outbuildings / sheds within the curtilage of Scholarstown House, a Protected Structure, (RPS Ref. 322) and the construction of an 'L' shaped apartment block along the western and southern site boundaries. The apartment block would range in height from 3 – 5 storeys, with the highest section of the building in the southern corner of the site.

- 2.2. Scholarstown House would be retained and converted into two residential units comprising 1 x 2-bed apartment and 1 x 3-bed apartment, each with their own private open space adjoining the house.
- 2.3. A new vehicular access would be provided from Orlagh Grove on the western site boundary and the existing access on Scholarstown Road would be retained for pedestrians and cyclists. Four new pedestrian gates would be installed along Orlagh Grove for resident's access. Surface car parking, a bicycle store and plant rooms would be positioned along the southern and eastern site boundaries. The northern section of the site would be extensively landscaped and would provide the open space for the development. The apartment block would include 100 sq. m. of residential amenity space and facilities consisting of, but not limited to, reception, communal amenity room and parcel room.
- 2.4. The development was amended through further information (FI). The initial proposal was for 74 apartments, (32 x 1-bed, 33 x 2-bed and 9 x 3-bed) and was amended to 72 apartments, (30 x 1-bed, 32 x 2-bed and 10 x 3-bed). On request from the Planning Authority, the bulk and massing of the building was reduced by providing an additional set-back of the fourth floor and by stepping back the third-floor element of the building to the rear/west of Scholarstown House. To the south of the Protected Structure the building was reduced in scale by including a further set back of the fourth-floor element and the removal of bay windows on the third floor. Revised elevational details and finishes were also proposed. The number of car parking spaces was also increased from 40 to 44 during the FI process.
- 2.5. Clarification of further information was sought by the PA regarding the vehicular access arrangements to the site but did not involve any major design changes.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. Planning permission was granted by the Planning Authority, (PA), subject to 25 planning conditions which are mainly standard in nature.

### 3.2. Planning Reports

The decision of the PA was informed by three reports of the Planning Officer (PO). The first report dated the 15<sup>th</sup> of December 2022 requested further information (FI). The second report dated the 31<sup>st</sup> of May 2023 sought clarification of FI and the third report of the 11<sup>th</sup> of July 2023 recommended that planning permission was granted subject to 25 planning conditions.

The first report of the PO dated the 15<sup>th</sup> of December 2022 includes the following,

- The site is mainly zoned objective RES – *‘To protect and improve residential amenity’*, with slivers of land along the southern and eastern boundaries zoned OS – *‘To preserve and provide for open space and recreational amenities’*. Boundary treatments and landscaping are proposed for the OS zoning areas.
- The application proposes to re-position the boundary wall along the south-eastern part of the site, where there is currently a pinch point with the boundary of the adjoining school. The existing boundary wall would be set back and moved westwards. Land to the east of the repositioned wall would be ceded to the school.
- The proposal for 76 apartments on a site of 0.79 hectares would yield a density of approximately 96 units per hectare. The PO notes that the Housing Quality Assessment states that the public footpath was included in the developable area when calculating density. Removal of the public area would most likely increase the density to over 100 units per hectare.
- As per QDP8 Objective 2 of the County Development Plan (CDP), the site and density proposed was assessed against the provisions of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (Apartment Guidelines).
- The PO determined that the site fulfilled the requirements of an ‘Intermediate Urban Location’, which was suitable for densities of >45 units per hectare. In consideration of the site location, the existing and proposed public transport provision and the characteristics of the site, the PO recommended that the development be revised to provide a lower density.

- A redesign of the 4-storey block along the south-western boundary is recommended as the block is just 1m from the boundary with windows to habitable rooms overlooking the neighbouring site. This could compromise the future development of the adjoining site to the south-west, which is also zoned RES.
- The proposed housing mix does not deliver 30% of 3 bed units as required by Policy H1 Objective 12 of the CDP. The PO recommended that the Statement of Housing Mix submitted with the application be revised to consider the permitted development within 1km of the site to fully assess the housing mix in the area.
- The PO considers the design response to the front of the Protected Structure and along Scholarstown Road to be appropriate. The report also notes that the separation distance between the ground floor apartments and the houses on Orlagh Grove would be sufficient to provide privacy. However, the proposed layout along the south-western part of the site should be reconsidered to address the concerns of the Roads Department. Additional separation distances were also sought along the south-western site boundary.
- Separation distances between the development and the existing houses to the west and north and would be c. 21m from the balcony of the west facing apartments to the houses at Orlagh Grove.
- In general, the PO found the residential amenity of the proposed units to be acceptable with some minor design amendments recommended to ensure privacy to two ground floor units.
- The proposed apartments would be generally compliant with the BRE Standards for Daylight and Sunlight. However the units proposed in the Protected Structure and their attendant amenity spaces would not comply with the standards.
- In terms of visual impact, the PO notes that the most significant impact would be experienced along the south-western corner of the site, where the new vehicular access is proposed. The PO also raises a concern regarding the height of the development at this corner.

- The proposed development is considered to be compliant with the CDP requirements for public and communal open space.
- A Bat Fauna Impact Statement identified that several mature trees have potential for bat roosting. Mitigation measures are proposed and would be attached by condition.
- Comments from the Public Realm Section note that the proposal would result in a net loss of 31 trees. Additional tree planting is recommended. only 16 mature trees would be retained on the site and 75 would be removed.
- Comments from the Roads Department note the low number of car parking spaces and recommend that the number be increased to 49. Concerns were also raised regarding the impact of the new vehicular access point on the Scholarstown roundabout, potential conflict with traffic to and from the commercial units to the south and whether sufficient sightlines could be achieved from the development. FI was recommended.
- The PO recommended that FI was requested on 8 points which related to the zoning of the site, architectural heritage, residential density and unit mix, impact on southwest residentially zoned lands, the standard of accommodation proposed, ecology and trees, access, parking and roads and surface water.

The second report of the PO dated the 31<sup>st</sup> of May 2023 assessed the information submitted by the applicant, which was generally found to be acceptable subject to some specific planning conditions. However, the Roads Department were not satisfied that all issues around traffic and access had been sufficiently addressed. Clarification of further information was requested regarding the provision and demonstration of safe access and egress to the neighbouring retail development for large delivery vehicles, cars and pedestrians; an additional traffic survey to demonstrate the impact of the development on the roundabout and information on works proposed to the public realm to accommodate pedestrian and cycle movement was also requested.

The third report of the PO dated the 11<sup>th</sup> of July 2023 notes that the Roads Department were generally satisfied with the response of the applicant and



recommended that any minor outstanding issues could be addressed through condition.

#### 3.2.1. Other Technical Reports

- Environmental Health Officer – No objection.
- Housing Section – Part V proposal received.
- Architectural Conservation Officer – In the first report of the ACO, concerns were raised regarding the impact of the proposal on the Protected Structure. The ACO believed the overall design mass and height be reconsidered and revised to create a better balance between old and new development. Further Information (FI) was recommended. Regarding works to the Protected Structure, alternatives to blocking up original windows and to the removal of original features were requested along with additional details regarding services and a Conservation Methodology for the works. The ACO requested that consideration be given to the reuse of the outbuildings instead of demolition and that the mass and scale of the 5-storey apartment block be reduced.
- Water Services – Further information requested regarding surface water attenuation calculations.
- Roads Department – A copy of this report was not included in the hard copy file forwarded by the PA and was not available on the public website. Comments from the Roads Department were included in the report of the PO.
- Public Realm – A copy of this report was not included in the hard copy file forwarded by the PA and was not available on the public website. Comments from the Public Realm Department were included in the report of the PO.
- Environmental Waste Management – No objection.

#### 3.2.2. Conditions

- The decision of the PA was subject to 25 planning conditions, most of which were standard in nature.
- Condition No. 2 lists amendments to the development that requires revisions to the development in the form of –

- Screening to the relevant balconies to prevent overlooking of Scholarstown House.
- The reconfiguration of Apartment No's 0206, 0207, 0306 and 0307 so that the opaque windows on the southern elevation are to non-habitable rooms only.
- Glazed balustrades proposed on balconies and terraces are replaced with metal railings.
- Apartment No's 0008 and 0009 moved and/or reduced in size to provide a larger privacy strip to the terraces.
- Condition No. 4 requires written agreement with the Roads Department and Active Travel Section regarding,
  - The preparation of a traffic survey showing the traffic conditions of the Scholarstown Roundabout and the retail access on Orlagh Grove for additional weekdays during the school term. The analysis should include traffic from completed and planned developments in the area along with sufficient traffic growth factors. The results should inform a Mobility Management Plan and car parking strategy.
  - Revised plans incorporating pedestrian and cyclist measures and infrastructure along Orlagh Grove from the southern end of the site that adjoins the application site to the south, up to the roundabout at Scholarstown Road. This shall include road markings, improvements to the existing accesses to the site that adjoins the application site to the south and/or improvements to the footpath along this part of Orlagh Grove. All works shall be located within lands within the applicant's or South Dublin County Council's control.
  - Revised plans for the vehicular access to the site off Orlagh Grove demonstrating compliance with the Design Manual for Urban Roads and Streets and the National Cycle Manual, NTA (2011) or any superseding document.
  - The pedestrian and cyclist site access to Scholarstown Road to the north revised to be an appropriate design for cyclists. The potential

removal of or changes to the existing gates shall be reviewed having regard to architectural conservation.

- A Mobility Management Plan and a Car Parking Strategy following the completion of the abovementioned traffic survey(s), consideration to be given to dedication of some of the approved car parking spaces to a residents' car club.

### **3.3. Prescribed Bodies**

- An Taisce – The proposed apartment block will overshadow and dwarf the Protected Structure and the adjoining two storey houses. The house and its private garden will be devoid of sunlight in the winter and practically all trees will be removed from the site.
- TII – No objection.
- Uisce Eireann – No objection.

### **3.4. Third Party Observations**

A total of 46 third party submissions were received by the PA during the public consultation period. The following issues were raised,

- Overdevelopment - excessive height, density and scale.
- Incongruous with existing development,
- Impact on existing residential amenity – loss of privacy, noise, visual impact,
- Inappropriate unit mix,
- Inadequate parking for residents,
- Additional traffic to busy road network,
- Inadequate local services and public transport,
- Potential conflict with pedestrians and vehicles,
- Ecological impacts,

- Impact on setting and character of Scholarstown House, (Protected Structure).

## 4.0 Planning History

- No planning history for the subject site.

On sites nearby –

- **ABP-305878-19** – Permission granted by the Board in 2019 for a Strategic Housing Development of 590 residential units, (480 – Build-to-rent apartments and 110 Build-to-sell apartments), in 17 apartment blocks ranging in height from 2 to 6 storeys. The development would also have 2 café/restaurant units, 2 retail/commercial units and a creche.

## 5.0 Policy Context

### 5.1. Development Plan

#### **South Dublin Development Plan 2022-2028**

The site is zoned Objective RES – *‘To protect and/or improve residential amenity’*. Residential use is ‘Permitted in Principle’ within this zoning objective.

Slivers of land along the southern and eastern site boundaries are zoned Objective OS – *‘To preserve and provide for open space and recreational amenities’*.

The site comprises Scholarstown House, a Protected Structure, RPS ref. 322, and its attendant lands and outbuildings.

There are no special objectives or designations that relate to the site.

#### **Chapter 2 – Core Strategy and Settlement Strategy**

Policy CS4 – Active Land Management - Facilitate the re-use and regeneration of vacant sites and landbanks through various measures to promote compact urban growth in line with the Core Strategy.

CS4 – Objective 2 - To promote the delivery of residential development through active land management measures and a co-ordinated planned approach to

developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas.

Policy CS6 – Settlement Strategy – Strategic Planning Principles - Promote the consolidation and sustainable intensification of development within the urban settlements identified in the settlement hierarchy.

CS6 Objective 2 - To promote compact growth and to support high quality infill development in existing urban built-up areas by achieving a target of at least 50% of all new homes to be located within or contiguous to the built-up area of Dublin City and Suburbs (consistent with NSO 1, RSO 2, NPO 3b and RPO 3.2).

### **Chapter 3 – Natural, Cultural and Built Heritage**

NCBH11 Objective 3: To protect and retain existing trees, hedgerows, and woodlands which are of amenity and / or biodiversity and / or carbon sequestration value and / or contribute to landscape character and ensure that proper provision is made for their protection and management taking into account Living with Trees: South Dublin County Council's Tree Management Policy (2015-2020) or any superseding document and to ensure that where retention is not possible that a high value biodiversity provision is secured as part of the phasing of any development to protect the amenity of the area.

Policy NCBH19: Protected Structures - Conserve and protect buildings, structures and sites contained in the Record of Protected Structures and carefully consider any proposals for development that would affect the setting, special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly.

NCBH19 Objective 2: To ensure that all development proposals that affect a Protected Structure and its setting including proposals to extend, alter or refurbish any Protected Structure are sympathetic to its special character and integrity and are appropriate in terms of architectural treatment, character, scale and form. All such proposals shall be consistent with the Architectural Heritage Protection Guidelines for Planning Authorities, DAHG (2011 or any superseding documents) including the principles of conservation.

SuDS - GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

## **Chapter 5 – Quality Design and Healthy Placemaking**

### **5.2.7 – Density and Building Height**

The South Dublin County's Building Height and Density Guide (BHDG) forms the primary policy basis and toolkit for the delivery of building height and density in the county.

The Development Plan notes that the BHDG was intended to complement the *Urban Design Manual – Best Practice Guidelines (2009)*, and has been prepared to support Section 28 Guidelines on height and density.

### **5.2.8 – Mix of Dwelling Types**

QDP10 Objective 1: To ensure that all new residential developments provide for a wide variety of housing types, sizes and tenures in line with the South Dublin County Housing Strategy 2022-2028.

## **Chapter 6 – Housing**

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:

- there are unique site constraints that would prevent such provision; or
- 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
- the scheme is a social and / or affordable housing scheme

H13 Objective 2: To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to

appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

## **Chapter 8 – Community Infrastructure and Open Space**

Table 8.2 – Public OpenSpace Standards – Minimum of 10% of the site area to be provided for new residential development on lands zoned ‘Res’.

## **Chapter 12 – Implementation and Monitoring**

12.3.7 – Protected Structures - Works to a Protected Structure – A set of core principles are laid out in this section and include the following requirements,

- Alterations should reflect and respect the scale, setting and original building character, should not undermine the original built fabric, and should not detract from the significance or value of the structure.
- Design intervention should be well-considered and minimal rather than involving extensive structural alteration to avoid undermining the original structure.
- Original features of architectural and historic interest should be retained, and new features should not be presented as original or older features.
- New uses should be compatible with the existing building and should respect key architectural and cultural characteristics.
- The impact and insertion of new build should be reduced by utilising original boundaries, screen walls and return structures and mature planting / natural screening.

12.4.2 – Green Infrastructure and Development Management – requires that all planning applications shall demonstrate how they contribute to the protection or enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the application submission, having regard to a set of principles set out in the Development Plan.

All development proposals shall be accompanied by a Green Infrastructure Plan.

Green Space Factor (GSF) – all development proposals for 2 or more residential units are required to reach the minimum GSF score established by their zoning objective.

12.5.3 – Density and Building Heights – Development proposals for increased building heights and densities shall be in accordance with the South Dublin Building Heights and Density Guide and will be considered in conjunction with the provisions of the ‘Urban Design Manual – A Best Practice Guide’ (2009).

12.5.4 – Public Realm (at site level) – sets out the requirements for public realm proposals.

## 12.6 – Housing – Residential Development

The Development Plan sets a benchmark for 3-bedroom units where a need was identified for more family type housing in new development in the Housing Needs and Demand Assessment (HNDA).

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:

- there are unique site constraints that would mitigate against such provision; or
- 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 socio-economic, population and housing data set out in the Housing Strategy and Interim HNDA; or
- the scheme is a social and / or affordable housing scheme

12.6.10 – Public Open Space – Standards set out in Table 12.22.

12.7.1 – Bicycle Parking / Storage – Standards set out in Table 12.23.

**12.7.4 – Car Parking Standards** – the subject site is located in Zone 1 for parking provision. The standards for residential development in Zone 1 are set out in Table 12.26. The maximum parking provision for apartment/duplex development are; 1 bed apt – 1 space, 2-bed apt 1.25 spaces, 3+ bed apt – 1.5 spaces.

A lower rate of parking may be acceptable subject to circumstances such as proximity to public transport, proximity to services and the ability of the surrounding community road network to cater for increases in traffic.



## **5.2. National Planning Policy**

### **5.2.1. Project Ireland 2040, National Planning Framework, (NPF).**

The NPF provides a series of National Policy Objectives (NPOs) which seek to strengthen and consolidate existing settlements. Some of the NPO's are listed below.

- NPO 3a, b and c which seek the delivery of new homes within the footprint of existing settlements.
- NPO 3a, Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO 3c Deliver at least 30% of all new homes that are targeted in settlements, within their existing built-up footprints.

### **Section 28 Guidelines –**

### **5.2.2. Sustainable Residential Development and Compact Settlement Guidelines 2024**

These Section 28 Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and support the application of densities that respond to settlement size and different contexts within each settlement type. In accordance with the principles contained in the NPF, the Guidelines seek to prioritise compact growth and a renewal of existing settlements. Section 3.3 of the Guidelines refers to Settlements, Area Types and Density Ranges. For each settlement tier it sets out,

- priorities for compact growth,
- areas common to settlements at each tier, and
- recommended density ranges for each area.

For each application it will be necessary for the planning authority to identify,

- the most applicable settlement category based on the categories described in Section 3.34,

- the most applicable area type based on the area descriptions detailed in Section 3.3 (e.g. central, urban, suburban or edge- refer also Figure 3.1), and
- the recommended density range for that area.

### **Section 3.3.1 – Cities and Metropolitan (MASP) Areas**

The subject site would be categorised as ‘City – Suburban/Urban Extension’ in Table 3.1 of the Guidelines. It is a policy and objective of the Guidelines that residential densities in the range of 40 – 80 dwellings per hectare (net) shall generally be applied at suburban and urban extension locations in Dublin, and that densities of up to 150 dwellings per hectare (net) shall be open for consideration at ‘accessible’ urban locations.

An ‘Accessible location’ is defined in Table 3.8 of the Guidelines and is stated to be, *Lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services.*

Section 5 sets out the Development Standards for Housing and contains four specific planning policy requirements (SPPR’s) which take precedence over Development Plan standards.

- SPPR 1 – relates to separation distances between buildings and requires a minimum of 16 metres between opposing windows above ground level.
- SPPR 2 – sets out the minimum private open space standards for houses.
- SPPR 3 – relates to car parking standards. In city centres car parking should be minimised, substantially reduced or wholly eliminated. In accessible location (defined in Table 3.8) the maximum rate should be 1.5 car spaces per dwelling. In intermediate and peripheral locations (defined in Table 3.8) the maximum rate of car parking shall be 2 spaces per dwelling.
- SPPR 4 – relates to cycle parking and storage facilities.

### **5.2.3. Sustainable Urban Housing - Design Standards for New Apartments (Guidelines for Planning Authorities), 2023.**

- The guidelines support the use of infill sites in urban locations to provide higher density apartment developments.

- Within the guidelines, the site would be defined as an Intermediate Urban Location as it is within easy walking distance (i.e. up to 5 minutes of 400-500m of reasonably frequent (min 15-minute peak hour frequency) urban bus services.
- Intermediate Urban Locations are generally suitable for smaller scale (depending on location) higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net).
- SPPR1 - Apartment developments may include up to 50% one-bedroom or studio type units, (with no more than 25% as studios).
- SPPR2 – For urban infill schemes on sites of up to 0.25ha, where up to 9 residential units are proposed, (notwithstanding SPPR1), there shall be no restriction on dwelling mix.
- SPPR3 – Sets out the standards for minimum apartment floor areas.
- SPPR4 – Sets out the minimum number of dual aspect apartments to be provided in any scheme; a minimum of 33% dual aspect units are required in more central and accessible locations, a minimum of 50% in a suburban or intermediate location and on urban infill sites of any size or on sites of up to 0.25ha planning authorities may exercise discretion to allow lower than the 33% minimum.
- SPPR5 – Specifies floor to ceiling heights.
- SPPR6 – Specified maximum number of apartments per floor core.
- Appendix 1 – sets out the minimum requirements for aggregate floor areas, room areas and widths, storage space, private and communal amenity space.
- Car Parking – In areas that are well served by public transport, the default position is for car parking provision to be minimised, substantially reduced or wholly eliminated. This is particularly applicable where a confluence of public transport options is located in close proximity.

## **Urban Development and Building Heights, (Guidelines for Planning Authorities), 2020.**

- The guidelines require that the scope to consider general building heights of three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.
- Criteria for considering additional height are set out in Section 3.2 of the Guidelines.

### **5.3. Natural Heritage Designations**

5.3.1. No designations apply to the subject site.

### **5.4. EIA Screening**

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

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

Two appeals were received, one from Orlagh Grove Residents and one from Paul Daniel. The grounds of both appeals are summarised below.

Orlagh Grove Residents

- The proposed development would have a negative impact on the Protected Structure. Internally the historic layout will be compromised by the subdivision.
- Externally the character and setting of the house will be compromised by the proximity and scale of the apartment block and the loss of landscaping

surrounding the house. It would form part of the open space and would lose its prominence and would be subsumed by the development. The north side of the house would have no privacy as it would be adjacent to a children's play area.

- Biodiversity – the natural habitat for native birds and animals would be lost and replacement tree planting is sparse.
- Traffic Safety – The development would have the capacity for 44 cars which would add to the already busy traffic environment in the area. The proposed entrance is near a busy roundabout and the entrance to the Orlagh Grove estate. It is also adjacent to a local shopping centre. Additional movements to and from the development would cause conflict between vehicles and pedestrians and exacerbate a busy environment.
- The accuracy of the traffic survey is questioned as it was carried out in July when the schools were off and the 590 dwellings in the Two Oaks site were not occupied, (this development is to the north of the site on Scholarstown Road).
- The PA highlighted the proximity of the access to the roundabout in the request for further information (FI), but the proposal was not altered by the applicant.
- Overlooking – the apartment block would overlook the playing fields of St. Colmcille's Community School and the houses on Orlagh Green, Orlagh Crescent and Orlagh Grove.
- Public Transport – The bus service is at capacity in the area and has not increased or improved in line with the additional housing that has been delivered in the area. This necessitates private car use.
- Car Parking – The development proposed 44 car parking spaces, which is not enough to service the 72 apartments proposed.
- Local services – Local services such as schools and GP clinics are at capacity with no additional services proposed despite the increase in population and new housing in the area.

Paul Daniel

- **Scale and Height** – The scale, height and density of the development is excessive. The 3-5 storey height would dwarf the existing two storey houses in the area and the increase in population is unsupported by the existing services and infrastructure in the area. The 5-storey element is also higher than existing 4 storey development at Ros Mór View, which is on the opposite side of the Scholarstown Roundabout. The development would have an overbearing impact on existing housing and on the Protected Structure in the site.
- **Biodiversity** – the removal of almost all the trees on the site is contrary to the stated ‘green policy’ of preserving mature trees and their removal will diminish the existing environment.
- **Car Parking & Traffic** – The level of car parking proposed is inadequate for the development. Concerns raised by the Transport Department of the PA were not adequately addressed by the applicant. The development is not in Zone 1 for parking as the nearby public transport is not high frequency and the nearest Luas stop is over 5km away. Existing housing estates in the area already have traffic and parking issues which will be exacerbated as the plans for more housing in the area are progressed.

## **6.2. Applicant Response**

A response was received from the applicant on the 31<sup>st</sup> of August 2023. The response also included a Breeding Bird Survey for the site, dated July 2023. The contents of the response are summarised as follows,

- Regarding the works to Scholarstown House, the applicant notes that the house was destroyed by fire in 1909 and contains a modest amount of early twentieth century fabric, which will be retained. The proposal to subdivide the house will bring it back into use.
- The house faces northeast and the design response to the setting of the house was to retain the aspect and attendant space to the northeast.

- The massing of the apartment buildings to the south and west were reduced in response to FI. The massing of the block to the rear / west of the house was reduced by including a further set-back of the 4<sup>th</sup> floor and stepping back the 3<sup>rd</sup> floor. To the south of the house, the building was further set back at 4<sup>th</sup> floor level and the bay windows at 3<sup>rd</sup> floor level were removed. The overall design response evolved in conjunction with the PA, who were satisfied with the overall outcome.
- Based on the outcome of the design and planning process the applicant refutes the opinion of the appellant that the development is not in accordance with policy NCBH19.
- The provision of 44 car parking spaces is in accordance with and in response to, governing planning policy where a shift from car-based transport is encouraged. The low level of parking would not contribute to traffic levels in the area in any significant way. The applicant notes that a previous Board decision, (ABP-305878-19) for the Two Oaks development to the north west of the site, found that a lower level of parking was acceptable for the area. Furthermore, there are bus stops to the north of the site, which is also within walking distance to shops and services.
- In response to claims that the public transport service is inadequate, the applicant notes that there are plans for significant public transport upgrades on Scholarstown Road as part of Bus Connects (A and S Spines). Cycle facilities will also be improved as part of this project. The applicant argues that the provision of new homes in the area will underpin the viability of new investment in public transport.
- Traffic safety – the applicant is satisfied that all matters relating to traffic safety were resolved during the FI stage of the application and though the planning conditions attached to the decision. Due to the pedestrian and cyclist accessibility of the site, the proposed public transport improvements and the projected demographic of future residents, the applicant does not anticipate that the development will be car dominated. The proposal also includes improvements to pedestrian and cycle facilities along Orlagh Grove, which will contribute to addressing existing road safety issues.

### 6.3. Planning Authority Response

- A response was received from the PA on the 24<sup>th</sup> of August 2023. The PA confirmed its decision and was satisfied that the issues raised in the appeal had been covered in the 'Chief Executive' report.

### 6.4. Observations

- No observations were received within the statutory timeframe.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, and inspected the site, I consider that the main issues in this appeal can be addressed under the following headings:

- Principle of Development
- Height, Scale and Density
- Impact on Protected Structure
- Traffic & Transport
- Residential Amenity
- Biodiversity / Loss of Trees

### 7.2. Principle of Development

7.2.1. The site is zoned RES – *'To protect and/or improve residential amenity'*, with some small slivers of land along the southern and western boundaries zoned OS – *'To preserve and provide for open space and recreational amenities'*. Drawing 0045 – *SDCC Zoning Map – Proposed Site Layout*, submitted as part of FI clarifies that the OS sections of the site will be retained for open space and will not be developed.



Therefore, I am satisfied that the zoning objectives for the site will not be contravened, and that the principle of the development is acceptable.

### 7.3. Height, Scale and Density

- 7.3.1. The appellants are of the opinion that the density and scale of the development is excessive and inappropriate for the area. The proposed development would have a density of 102 units per hectare and would range in height from 3 to 5 storeys. National planning policy regarding density is set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, which came into force after a decision had been made by the PA. Within the Guidelines the subject site would be categorised as a 'City – Suburban/Urban Extension', (Table 3.1). Residential densities in the range of 40 – 80 dwellings per hectare (net) shall generally be applied at suburban and urban extension locations in Dublin, and densities of up to 150 dwellings per hectare (net) shall be open for consideration at 'accessible' urban locations. An accessible urban location is defined as, *'within 500 metres (i.e. up to 5–6-minute walk) of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services'*.
- 7.3.2. There are a number of bus stops near the site and when the Bus Connects project is fully delivered in the area, bus services will have a 15-minute peak hour frequency. Whilst the subject site does not meet the exact criteria to be defined as an *'accessible location'*, it is in an urban suburb and is in close proximity to public transport, retail, medical and community facilities. On that basis I am satisfied that the nature and location of the site makes it suitable for higher densities. It is of note that more recently permitted developments, such as the Two Oaks development, (ABP-305878/19), provided a density of 110 units per hectare, which was considered appropriate for the site's location and context.
- 7.3.3. Appeal submissions state that local services are at capacity. Although the delivery of services is outside the scope of this appeal, it is noted that all services, whether commercial or social, rely on a critical mass of population to remain viable and for the provision of new and additional services.

## Height & Design

- 7.3.4. The proposed development would range in height from 3 to 5 storeys. It would comprise a single built form extending along the western site boundary and wrapping around Scholarstown House to the south of the site. The application states that the buildings were orientated in this manner to retain the setting of the protected structure to the north, and to open up the site to vistas from the northern site boundary. Its overall mass would be broken up by variations in height, setbacks and by variations in design details such as roof profiles and external finishes.
- 7.3.5. Along the western site boundary and facing onto Orlagh Grove, the building would present to the street as a four-storey building with a set back at fifth storey level. Sections of the building to the west and south of the protected structure would step down to four storeys with a set back at the upper level. The three-storey section of the building would be the most easterly part where it would be closest to the boundary with the neighbouring school.
- 7.3.6. The prevailing character of development to the west and south of the subject site is that of low-rise housing estates mainly comprising two storey houses. To the north of the site and on the northern side of Scholarstown Road, the development character changes with the four-storey apartment development of Ros Mór View facing onto the roundabout and the recently completed Two Oaks development to the east, which ranges in height from two storey houses to apartment blocks of six storeys facing onto Scholarstown Road.
- 7.3.7. Development Plan guidance on building height is contained in Appendix 10, South Dublin County's Building Height and Density Guide, which was prepared to compliment national guidance contained in the Urban Development and Building Height – Guidelines for Planning Authorities (2018), (Building Height Guidelines). Both guidance documents promote the use of performance-based criteria when assessing how a building interacts with the existing environment. Chapter 5, Quality Design and Placemaking, of the Development Plan also requires that new developments make a positive contribution to the creation of sustainable neighbourhoods through the successful delivery of key urban design themes.
- 7.3.8. The Building Height Guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in urban

settlements must be supported. Section 3.2 of the Guidelines sets out the criteria under which applications for taller buildings should be assessed. SPPR 3 states that, should the proposal accord with the criteria then the development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. The criteria relate to the impact of the proposal on the wider area, the district / streetscape, and the site itself. This approach is reflected in the South Dublin County's Building Height and Density Guide, which recommends that proposals for increased height are assessed against the principles of urban design.

- 7.3.9. At the scale of the wider area, the site is located within an urban suburb and is surrounded by development that is mainly residential in character. It is a corner site on a busy roundabout and is not directly adjoining any residential development. I consider the site to be of sufficient scale to set its own character, and its location on a corner site affords an opportunity to create a new urban form and streetscape. The proposal is not of such a scale that it would impact significantly on the wider urban area. Therefore, I consider that its impact on the immediate environment warrants most consideration.
- 7.3.10. I am satisfied that the scale and height of the development would not result in an overbearing impact on the sites directly to the south and the east. The grounds of St. Colmcille's Community School adjoin the site to the east. At this point the development would step down to three storeys and would be of commensurate height to the sports building on the site. Directly to the south is a small, two -storey neighbourhood centre. At the closest point the four-storey section of the building would be just 4.2m from the site boundary. The fifth storey would be set back from the site boundary by approximately 10m. Along Orlagh Grove the building would be four-storeys in height with an additional set back level above.
- 7.3.11. A Landscape and Visual Impact Assessment (LVIA) was submitted with the application and contains verified CGI views of the development from Scholarstown Road and Orlagh Grove as well as views from the wider area. In terms of assessing the visual impact of the development from the immediate area, viewpoints V1, V3 and V5 are the most relevant.

- 7.3.12. V1 is the proposed view looking south-west from the north of the site at Scholarstown Road. The LVIA determined that the magnitude of change from this point would be 'medium' and qualitatively, the effect would be 'neutral'. Viewpoints V3 and V5 are taken from the public areas on Orlagh Grove. V3 is the view looking south-east from the junction of Orlagh Grove and the R113, (St. Colmcille's Way). The LVIA found the sensitivity of the viewpoint to be medium, the magnitude of change to be 'high', and the overall impact to be 'neutral', as the scheme would 'complement the scale, landform and pattern of the landscape (townscape) / view...'. V5 is taken from Orlagh Grove, at a point to the south of the site approximately 54m away and adjacent to the row of shops. This viewpoint is categorised as having a 'medium' sensitivity and would have a 'high' magnitude of change. Qualitatively, the LVIA determined that the impact would be 'neutral', as the scheme compliments the landform and maintains the quality of the landscape.
- 7.3.13. Overall, I would agree with the conclusions in the LVIA. The most dramatic change in the landscape would be along Orlagh Grove, where the development would present as a four-storey building with a set-back level above and would be taller than the prevailing two-storey character of development. However, the design and external finishes of the building have been well considered and the massing has been broken up to avoid a monolithic elevation to Orlagh Grove. In urban design terms, the building would address the public street with four new pedestrian access points from Orlagh Grove. Large scale windows and balconies would also provide passive supervision to the public spaces. The loss of trees along the site boundary would be unavoidable, however, three mature trees in the public realm along Orlagh Grove would be retained and new planting would be provided along the site boundaries to create a new streetscape.
- 7.3.14. Whilst the increased height and massing of the building would be a significant diversion in urban form within the streetscape, the external finishes and positioning of the building have been well considered. Overall, the development would respond well to the street and would create a defined urban edge to the streetscape. To the west of the site the existing houses do not face directly onto the site, and as such, would not experience any significant visual impact from the development. The commercial development to the south and the school to the east are not considered to be sensitive receptors in terms of visual impact. I am satisfied that the density,

scale and height of the proposed development is acceptable for the site and would not result in an overbearing impact on existing sensitive development and by virtue of its design, external finishes and built form would not result in any undue negative visual impact on the receiving environment. It is also of note that the emerging pattern of development in recent years has been in line with national planning policy to utilise urban sites to deliver higher density development.

- 7.3.15. The decision of the PA included some minor amendments to the scheme under Condition No. 2. The condition requires screening to the balconies overlooking Scholarstown House, the reconfiguration of Apartment No's 0206, 0207, 0306 and 0307 so that the opaque windows on the southern elevation are to non-habitable rooms only, the replacement of glazed balustrades proposed on balconies and terraces with metal railings and the provision of a larger privacy strip to the terraces. Overall, I agree with the provisions of Condition No. 2 and recommend that it be attached to a grant of permission should the Board consider that to be appropriate.

#### **7.4. Impact on Protected Structure**

- 7.4.1. The grounds of appeal submitted that the character of the protected structure would be compromised by the subdivision, and that the setting would be compromised by the proximity and scale of the apartment block and the loss of landscaping surrounding the house. During the initial application stage, concerns regarding the impact of the development on the protected structure were also raised by the Architectural Conservation Officer (ACO). Further information (FI) was requested to retain more of the original fabric within the house, to revise the overall design mass and height of the apartment block to the west and south of the Protected Structure, and to consider re-using the outbuildings rather than demolishing them.
- 7.4.2. In response the applicant submitted that the heritage investigation studies found that there was little merit in retaining the outbuildings as they had been significantly altered over the years. Instead, the historic connection between the Protected Structure and the farm outbuildings would be referenced visually by using corrugated sheeting as external cladding. The building was redesigned to reduce the mass and scale of the building. To the rear of the house and along the western boundary, an additional set-back was provided on the fourth floor and by stepping back the third-

floor element. To the south of the protected structure, the building was reduced in scale by including a further set back of the fourth-floor element and the removal of bay windows on the third floor. Additional design changes included the use of a variety of materials to create a visual break and to break up the built form of the block.

- 7.4.3. The Architectural Conservation Officer (ACO) noted the lack of response to the request to incorporate or reuse the outbuildings in the scheme. Regarding the proposals made to reduce the massing and scale of the building, the ACO believed the revisions would lessen the overall visual impact of the building and provide for an improved setting. They also felt that the use of different materials and finishes would support a variation of design and overall visual impact. The ACO welcomed the reduction in scale and massing but noted that given the density proposed on the site, within the curtilage of the Protected Structure, the overall development must deliver an exemplar design in form and materiality.
- 7.4.4. An Architectural Heritage Assessment (AHA) was submitted with the application and states that a house was located on the site from at least the 1600's. The earlier house was destroyed by fire in the 1890's and was rebuilt c. 1909. Internally the layout of the house has been altered by relocating the staircase and modernising much of the rear part of the building. The AHA concluded that, *'Therefore, in terms of fabric and architectural heritage, the house is of limited significance but the form and location of the house as well as the existing mature planting contribute positively to the historic character of the surrounding area'*. Regarding the outbuildings which are proposed for demolition, the AHA notes that the outbuildings are primarily of modern construction with sections of rubble stone walls and oak beams evident in one building, (Building D). However, Building D has been significantly altered in the mid to late twentieth century. The AHA considered that the *'legibility of the underlying historic grain of the area within its modern urban form can be facilitated through retention of the house itself and areas of mature planting'*.
- 7.4.5. Having visited the site and reviewed all the documentation on file, I am satisfied that the proposal is acceptable within the context of the site and the protected structure. Internal works will be required to subdivide the protected structure into two separate units. These works would involve the reconfiguration of internal walls and would be kept to a minimum. Original features that contribute to the external character of the

structure, such as windows, will be retained. Conservation principles outlined in the Architectural Heritage Protection (Guidelines for Planning Authorities), note that good conservation practice allows a structure to evolve and adapt to meet changing needs. The Guidelines note that it is generally recognised that the best way to conserve a historic building is to keep it in use. Inevitably this will involve some interventions, and a degree of compromise to adapt the structure to modern use or living. I note that a Conservation Method Statement has been prepared for the proposed works to the protected structure and I am satisfied that the works proposed will not significantly impact on the character of the structure and will provide for its continued use as a residential property. Private gardens for each of the units would be provided around the structure, which would provide some autonomy for the house within the wider site.

7.4.6. The proposed development would involve extensive site clearance and the construction of a large apartment building along the western and southern site boundaries. This would permanently alter the setting of the protected structure. However, it is noted that the current setting does not comprise any formal landscaping or historic gardens. The house faces onto a grassed area and the approach to the house is via a short tarmac path. I would agree with the conclusion of the AHA that the outbuildings to be demolished are mainly of modern construction and would be of limited value to the setting of the protected structure. Their removal would facilitate the construction of a modern, multi-unit development that would contribute to the overarching development policies of the Development Plan to consolidate development and to utilise sites in urban areas.

7.4.7. I acknowledge that the construction of the apartment block will impact on the setting of the protected structure. By virtue of its height and scale the apartment building will be the dominant built form in the site. At its closest point, the development will be just 10m from the rear elevation of Scholarstown House. I note the design changes to the building that were made during the FI stage. During this process the applicant sought to reduce the bulk and mass of the building to lessen the impact on the protected structure. It is my view that the amendments to the design were successful in reducing the overall impact of the proposal on the protected structure. To the west, the elevation of the building was broken up by setting the third floor back by 1.8m with a further set back at fourth floor level. A similar approach was

applied to the building to the south of the house, where the fourth-floor level was further set back. Alterations were also made to the elevational treatments facing onto the protected structure with a lighter buff brick applied to the lower levels and a darker corrugated cladding applied to the upper level/fourth floor level. A set of revised CGI's were submitted to illustrate how the design amendments would look within the site. Whilst the open setting for the protected structure would be compromised by the development, I am satisfied that the design considerations applied will be sufficient to mitigate against a significant negative impact on the setting of the protected structure. Setting back the elevations facing onto the structure would break up the massing of the building and the variation of external materials, lightweight balconies and large scale glazing will lighten the elevations and visually fragment the overall extent of the building. It is of note that the principal elevation and approach to Scholarstown House has been retained and that the northern section of the site would provide the open space for the building. This would reflect the historic agricultural/parkland setting of the structure. On balance, I am satisfied that the setting of the protected structure will not be compromised to such an extent whereby its inherent character would be lost.

## **7.5. Traffic & Transport**

### **Car Parking**

- 7.5.1. It was raised in the appeal that the reduced level of parking would result in overspill parking in the surrounding area and that the additional car movements from the development could result in traffic hazards. The proposed development would have 44 surface car parking spaces. This number was increased from 40 spaces in response to FI. The PA requested that the applicant consider increasing the level of parking to accord with a ratio of 0.64 which had been applied to other developments in the area and which was appropriate for the subject development. Based on a provision of 72 units, the revised scheme would yield a ratio of 0.61 for parking spaces.
- 7.5.2. The subject site is in Zone 1 for car parking the South Dublin Development Plan. This allows for a maximum of 1 space for a 1 bed apartment, 1.25 spaces for a 2-bed and 1.5 spaces for a 3-bed+ unit. Based on the unit mix proposed, (30 x 1-bed,



32 x 2-bed & 10 x 3 bed), this would yield a maximum of 85 car parking spaces. The lower level of car parking was justified by the applicant as it is in accordance with the principles of sustainable development to encourage a shift from private car use and is in an urban location, in proximity to public transport and services. In line with the provisions of the Development Plan, the PA were satisfied with the lower level of car parking.

7.5.3. National planning policy also promotes a lower level of car parking where public transport is available. The Apartment Guidelines state that, *'In areas that are well served by public transport, the default position is for car parking provision to be minimised, substantially reduced or wholly eliminated. This is particularly applicable where a confluence of public transport options are located in close proximity'*. This approach is reflected in the Compact Settlement Guidelines. Section 5.3.4 of the Guidelines deals with the quantum, form and location of car parking in new developments and promotes a reduction in the level of car parking spaces to be provided in urban areas. SPPR 3 of the Guidelines requires that, *'In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling. In accessible locations, defined in Chapter 3 (Table 3.8) car- parking provision should be substantially reduced. The maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 1.5 no. spaces per dwelling'*. The application of this standard would result in a ratio of 0.66 per unit for the proposed development.

7.5.4. The subject site is in close proximity to bus stops on Scholarstown Road and St. Colmcille's Way, both of which are included in Bus Connects, which will provide increased services when fully operational, (the S8 is currently operating, and the A1 service is yet to commence). The Compact Settlements Guidelines define an 'accessible' location as one *'within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services'*. Information from Transport for Ireland (TFI) states that Bus Connects services will have a 15-minute peak hour frequency. Whilst this may not be directly in

accordance with the definition of an 'accessible' location as per the Guidelines, I am satisfied that the lower level of parking is acceptable in this instance given the urban location of the site, its proximity to public transport and the planned improvements in the overall public transport network. Regarding overspill car parking, there are limited places in the area where car parking is unregulated and readily available. It is proposed to install double yellow lines along the eastern side of Orlagh Road and to the north of the proposed entrance. On-street parking is available in Orlagh Grove to the south of the site. Each of the houses in the estate have their own off-street, car parking spaces which would not be impacted by the development. I am satisfied that overspill car parking would not be a significant issue as the scale of the development, and the restricted car parking spaces, is unlikely to generate a parking demand that would significantly impact on the surrounding areas.

- 7.5.5. I am satisfied that the low level of parking provided is in accordance with national planning policy and is acceptable given the location of the site in an urban setting and in proximity to the public transport which has been earmarked for service improvements.

#### Traffic Levels

- 7.5.6. A Traffic and Transport Assessment (TTA) was submitted with the application. Traffic counts were undertaken for the TTA on a weekday in May 2022 for morning and evening peak hours. The traffic generation from the Two Oaks development to the north of the site was included in the traffic growth figures for the TTA. The assessment found that the Scholarstown Roundabout was operating within capacity for the base year of 2022, and would continue to operate within capacity for the design years to 2024, 2029 and 2039.
- 7.5.7. Traffic surveys carried out for the TTA found that during the morning peak hours, the busiest arm of the roundabout was St. Colmcille's Way, which had a degree of saturation (DoS) of 65.4% and a mean maximum queue length of 1.9 vehicles between 07.30 and 08.30. In general, a DoS of 85% or less for controlled junctions is considered acceptable for peak periods. The Orlagh Grove arm of the roundabout was found to have a DoS of 6.4% with a mean maximum queue length of 0.1 vehicles for the morning peak hour. For evening peak hours, the busiest arm of the

roundabout was the Scholarstown Road East arm which had a DoS of 60.0%. The Orlagh Grove arm had a DoS of 16.6%.

- 7.5.8. A second analysis was carried out to establish the acceptability of the junction design and the capacity of existing junctions, which is expressed as a Ratio to Flow to Capacity (RFC). Generally, an RFC of 85% or less for roundabout junctions is considered acceptable during the peak period for priority junctions. This would indicate that at peak times the junction is at 85% of its operational capacity and therefore has a practical reserve capacity of 15%. The results of this assessment found that the maximum degree of saturation increases over time for the design years 2024, 2029 and 2039. The analysis showed that the maximum degree of saturation occurs on arm B - Scholarstown Road east, for the evening peak hour in the design year 2039. The degree of saturation is measured at 72.2% with a mean maximum car queue length of 2.5 vehicles for the evening peak hours. The Orlagh Grove arm had a degree of saturation of 21.2% in the design year to 2039. All permitted and new development were included in the traffic growth rates. The results indicated that the proposed development would have a minor impact on the levels of traffic in the area both existing and in the future and that the Scholarstown Road Roundabout would have sufficient capacity to cater for the new development.
- 7.5.9. An analysis of the traffic generated by the development was provided by using the TRICS Database. The Database estimated that the proposed development, (which was 75 units at the time the TTA was prepared, now 72 units), would generate 19 departures and 3 arrivals during the morning peak hours, and 16 arrivals and 3 departures during evening peak hours. Given the nature of the development, its location, proximity to public transport and the planned improvements to the transport network, the TTA would expect a reduction in car trips over time.
- 7.5.10. Based on the results of the analysis and the projected level of trips generated by the development, I am satisfied that the development would have a minimal impact on traffic levels in the area and that the existing and future road network would have the capacity to accommodate it.

#### Traffic Safety

- 7.5.11. It is proposed to retain the existing vehicular access on Scholarstown Road but to limit it to pedestrian and cycle access. A new vehicular access would be installed on

Orlagh Grove, approximately 80m to the south of the Scholarstown Roundabout. In their initial assessment, the PA raised concerns regarding the proximity of the access to Scholarstown Roundabout and whether the access could provide sufficient sightlines from the access given the existing on-street parking along Orlagh Grove and boundary treatments. The applicant was requested to consider moving the access point. Potential conflict between pedestrians and vehicles was also identified as well as the proximity of existing vehicular accesses to the shopping centre to the south, and to Orlagh Grove housing development. The accuracy of the Traffic and Transport Assessment was also queried.

7.5.12. In response, the applicant retained the location of the access but submitted a revised access layout which moved the raised pedestrian crossing closer to the development and further away from the kerb line to allow a car to progress to the stop line without obstructing pedestrian movement. It was also proposed to install double yellow lines to the north and south of the access to prevent informal parking on Orlagh Grove and to ensure sightlines of 24m to the north and south of the entrance, (in accordance with DMURS for roads with a 30kmph speed). Boundary treatments were also revised to provide a dwarf wall of 0.6m with railings of 1.2m over to aid visibility. The PA generally accepted the revisions, but requested clarification to demonstrate that larger service vehicles, vehicles and pedestrians can enter and exit as well as the vehicles using the access to the south and to demonstrate that it will not obstruct sightlines. Clarification was also sought on the traffic figures, to include the local national school nearby, and growth projections in the traffic survey.

7.5.13. An Auto-Track Drawing was submitted to confirm that the proposed pedestrian footpaths into the site are not affected by the entry or exit of large vehicles at Orlagh Grove and that there will be no conflict at this location a yellow box would also be provided at the entrance to prevent blocking. The applicant was unable to provide revised traffic counts as the clarification request was issued when the school had closed for the summer. Instead, the applicant notes that the proposed development would generate just 1.75% of the two-way traffic on Scholarstown Road during the typical morning peak hour. The traffic from adjoining developments was included in the traffic figures and a growth factor in traffic of 15.4% was used on Scholarstown Road traffic which equates to an additional 194 two-way movements by the design year 2039.

7.5.14. I note that the proposed access would be approximately 15m from the entrance to the shops at the adjoining site to the south and would be 80m from the Scholarstown Roundabout. On the occasion of the site visit, there was very little traffic on Orlagh Grove and there were no cars parked along the street. Most traffic movements on the road were to and from the shops to the south of the site. However, the site visit was carried out at mid-morning on a weekday. Given the location of the site between a large residential area and St. Colmcille's Community School, I would expect there to be a lot of pedestrian movement along Orlagh Grove during the morning peak hours, as well as traffic movements to and from the shops. The applicant has proposed to install traffic management measures such as yellow lines and road markings that would help to regulate the environment and to ensure one-way movements into and out of the shops and to ensure sufficient sightlines from the development. I acknowledge the concerns of the PA regarding the potential for conflict between vehicles and pedestrians and am also satisfied that the applicant has demonstrated how the site access can provide a safe access and egress for traffic and pedestrians and can also provide adequate sightlines which would be in line with Section 4.4 of DMURS.

7.5.15. Condition No. 4 of the PA's decision sets out some requirements which relate to the access and transport arrangements of the development. The report of the PO states that the conditions were applied with a view to improving pedestrian and cyclist infrastructure and movement on Orlagh Grove and to clarify how the development can be better integrated with active travel objectives. I consider the attachment of this condition to be reasonable as the development will alter access arrangements on a residential road which would benefit from additional pedestrian and cycle infrastructure. Should the Board be minded to grant permission for the development, I recommend that the provisions of Condition No. 4 be attached to the permission.

## **7.6. Residential Amenity**

### Future Residential Amenity

7.6.1. Although the issue of residential amenity for future residents was not raised in the appeal, I have reviewed the proposal, and I am satisfied that the apartments have been designed in accordance with the development standards set out in the

Apartment Guidelines and in Chapter 12 – Implementation and Monitoring of the SDCC. The gross floor area of all units would exceed the minimum standards set out in SPPR 3, of the Apartment Guidelines and the floor to ceiling height is in accordance with SPPR 5. All units have been designed with the standards for private open space and internal floor space and storage as set out in Appendix 1 of the Apartment Guidelines. Single aspect units would comprise 37% of the development which is in accordance with SPPR 4. The total public and communal space requirement for the development would be 1,277m<sup>2</sup>, (792m<sup>2</sup> public open space and 487m<sup>2</sup> communal space). A total of 2,057m<sup>2</sup> would be provided in a central and accessible area to the north of the site. A play area of 100m<sup>2</sup> would also be provided. The quantum of public and communal open space would also be in accordance with the required standards as set out in the Apartment Guidelines, the Compact Settlements Guidelines and in Chapters 8 and 12 of the Development Plan.

- 7.6.2. A Daylight and Sunlight Assessment was carried out for the apartment building and a separate assessment was submitted under FI for the proposed units in the protected structure. The Assessment found that the proposed development would perform very favourably in terms of daylight and sunlight. In circumstances where the units failed to meet the recommended levels of sun exposure and/or spatial daylight autonomy, (SDA is a yearly metric that describes the percent of space that receives sufficient daylight), the lack of compliance was explained as the units were either facing onto mature trees to be retained or were in proximity to the protected structure. Overall, the scheme was shown to perform well in terms of access to light. I consider that the benefits of retaining mature trees and orientating buildings towards the protected structure would add interest and character to the scheme which would outweigh the levels of non-compliance detailed in the application.
- 7.6.3. The apartments in the protected structure were found to be non-compliant with the recommendations for daylight and sunlight, as were the attendant private open spaces. The difficulty in adapting historic buildings for modern residential standards is acknowledged and allowances are made for such circumstances. I consider the benefits of providing residential accommodation in a historic building, whilst also conserving its character to be of benefit to the building itself and to the future residents.

- 7.6.4. I am satisfied that the proposed development would provide a satisfactory level of residential amenity for future residents.

#### Existing Residential Amenity

- 7.6.5. I am satisfied that the proposed development will not have any significant impact on the residential amenity of existing properties in terms of overlooking or loss of privacy, and/or overshadowing.
- 7.6.6. The closest houses to the proposed development would be No. 22 Orlagh Crescent and No. 19 Orlagh Green which are to the west of the site and on the opposite side of Orlagh Grove. Both houses are oriented with their side gables facing towards Orlagh Grove and both have a blockwork wall of c. 2m in height bounding the public footpath. There would be a separation distance of approximately 22m between the side gable of No. 22 Orlagh Crescent and the western elevation of the proposed apartment development and approximately 27m between No. 19 Orlagh Green. I am satisfied that the separation distances between the buildings and the orientation of the existing houses would be sufficient to prevent any overlooking or loss of privacy to the existing houses.
- 7.6.7. A shadow study was also carried out to assess the effect of the proposal on existing development at Orlagh Green, Orlagh Crescent, Orlagh Local Services at Orlagh Grove, Ros Mór View and Saint Colmcille's Community School. The effects of the scheme on existing properties was measured in terms of daylight, (measured in Vertical Sky Component – VSC), sunlight, (measured in Annual and Winter Probable Sunlight Hours APSH / WPSH), and sun on the ground (SoG) to external spaces. The results for all tests are laid out in Section A.0 of the Daylight and Sunlight Assessment and show that the proposed scheme would have no noticeable level of impact on any of the neighbouring properties assessed.
- 7.6.8. Given the context of the site, the location of the proposed apartment block and the separation distances between the existing and proposed developments, I am satisfied that the proposed development would not result in any significant impacts on the existing residential amenity in terms of overshadowing or loss of privacy.

## **7.7. Biodiversity / Loss of Trees**

- 7.7.1. The grounds of appeal raised concerns regarding the extensive loss of trees as a result of the development and the impact that would have on biodiversity. An Arboricultural Report and an Ecological Impact Assessment (EclA) accompanied the application. The Arboricultural Report notes that the development would require the removal of 56 trees and five groups of trees, the majority of which are of poor quality but add to the overall green landscape and tree canopy in the area. The EclA found that the site had limited ecological value. No habitats of conservation significance were found within the site and no plant species protected under Irish or international law, or rare or threatened species were found. A single clump of the invasive species 'three cornered leek', was found on the site. The site was surveyed for badger and otter activity, but none was found, and no protected terrestrial mammals were noted on the site or in the vicinity of the site.
- 7.7.2. Two bat surveys were carried out on the site, the results of which are contained in Appendix 1 of the EclA. No evidence of bats or bat roosts were identified in any of the onsite buildings or trees. A single Lesser Noctule bat was noted foraging over the grassed area on both nights the surveys were carried out and, a single Soprano Pipistrelle was observed to the west of Scholarstown House on one of the nights. No bats were observed emerging from the onsite trees or structures on or near the subject site.
- 7.7.3. A bird survey was also carried out as part of the EclA and a separate Breeding Bird survey was submitted with the applicants response to the appeal. The Breeding Bird Surveys were carried out within the recommended season of March-July and identified 18 bird species on the site. In total eight species were found to be breeding on the site: bullfinch, robin, song thrush, wood pigeon, dunnock, house martin, goldcrest and wren. Three amber listed species were recorded on the site, goldcrest, herring gull and house martin. No red listed species of conservation concern in Ireland were found to be breeding on the site.
- 7.7.4. The EclA recommended that measures be taken during the construction and operational phases to mitigate the effects of the development on the biodiversity of the site. These included carrying out a pre-construction survey for terrestrial mammals of conservation importance, ensuring that external lighting during the



construction and operational phases was designed in accordance with the External Lighting Study submitted with the application to prevent disturbance to foraging bats and to carry out site clearance outside of the bird nesting season.

- 7.7.5. In accordance with Section 12.4 of the Development Plan, a Green Infrastructure (GI) Plan was prepared as part of the Landscaping Masterplan. The Development Plan also requires that new developments carry out an exercise to assess the Green Space Factor (GSF) of the development. The GSF is a score-based requirement that establishes minimum standards for landscaping and GI provision in new developments. The full calculation of the GSF for the subject development is set out in the Landscape Design Report for the development. The Development Plan requires a minimum score of 0.5 for the site and the development was found to have a GI score of 0.58, which is acceptable.
- 7.7.6. I have visited the site and reviewed the results of the surveys carried out and I am satisfied that the findings of the EclA are supported by the nature and location of the site in an urban area and outside of any unique setting or habitat type. The loss of mature trees is regrettable but unavoidable if the site is to be developed. Whilst the replacement trees will not match the number of trees to be removed the trees, the planting to be used throughout the site will prioritise native species to contribute to local biodiversity. The planting plan has also been selected to create seasonal variety and to provide screening. On balance the loss of trees will be mitigated through the use of carefully selected trees and plants that will help to contribute to biodiversity as they mature in the development.

## 8.0 AA Screening

### **Appropriate Assessment Screening Determination**

#### **(Stage 1, Article 6(3) of Habitats Directive)**

I have considered the proposed housing development in light of the requirements of the Planning and Development Act 2000 as amended.

A Screening Report for Appropriate Assessment was submitted with the planning application. The report concluded that, *'The construction and operation of the*

*proposed development project will not have a significant impact on the conservation objectives of the Natura 2000 sites’.*

### **Description of the proposed development**

A full description of the proposed development is contained in Page 4 of the Screening Assessment Report which accompanied the application. In summary, the proposed development comprises,

- The demolition of sheds and outbuildings in the curtilage of Scholarstown House, (RPS Ref. 322).
- The retention and conversion of Scholarstown House into two residential units.
- The construction of a 3-5 storey apartment block containing 72 units (amended from 74 during FI), with 100 sq m of ancillary space for residents.
- The provision of 44 surface car parking spaces (amended from 40 during FI) and 183 bicycle spaces.
- The reconfiguration of the existing vehicular access on Scholarstown Road to pedestrian and cycle use and the provision of a new vehicular access on Orlagh Grove.
- Ancillary works including landscaping, lighting, boundary treatment etc.

The site has a stated area of 0.79 ha and it located on the south-eastern corner of the Scholarstown Roundabout. It comprises Scholarstown House, a large detached three-bay, two-storey house with ancillary outbuildings. The site is surrounded by mature trees along its boundaries. An Ecological Assessment identified habitats of grassland and scrub with borderline trees within the site. Site preparation work and construction works will require extensive ground clearance and excavations with the removal of the majority (56) of mature trees along the site boundary.

The proposed development will be connected to a public water, surface water and foul sewer network. Attenuated water from the site will be discharged to the existing surface water drainage on Orlagh Grove, which ultimately outfalls to the River Dodder. There are no streams or watercourses traversing or bounding the site.

The site was surveyed by ecologists with habitat, mammal and bat surveys undertaken at the appropriate time of year and in accordance with standard methodologies. The Ecological Impact Assessment (EclA) noted no limitations in relation to the survey timings.

### **Consultations and submissions**

The grounds of appeal raised no issues which related directly to the impact of the proposal on any European sites. Concerns were raised regarding the loss of habitats through the clearing of the site and the removal of trees. This is addressed above in Section 7.7 of the report.

There were no submissions from third parties that relate to European sites.

### **European Sites**

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

The boundary of the nearest European Site is approximately 4.5 km from the application site. The closest European sites, and those that may be within a potential zone of influence of the proposed development, are listed below.

| <b>European Site</b>  | <b>Qualifying Interests<br/>(summary)</b>   | <b>Distance</b> | <b>Connections</b> |
|-----------------------|---|-----------------|--------------------|
| Glenasmole Valley SAC | Semi-natural dry grasslands and scrubland facies on calcareous substrates (* important orchid sites)<br><br>Molinia meadows on calcareous, peaty or clayey-silt-laden soils<br><br>Petrifying springs with tufa formation | 4.5km           | No                 |

|                       |   |       |    |  |
|-----------------------|---|-------|----|--|
| Wicklow Mountains SAC | <p>Oligotrophic waters containing very few minerals of sandy plains</p> <p>Natural dystrophic lakes and ponds</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>European dry heaths</p> <p>Alpine and Boreal heaths</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i></p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas</p> <p>Blanket bogs (* if active bog)</p> <p>Siliceous scree of the montane to snow levels</p> <p>Calcareous rocky slopes with chasmophytic vegetation</p> <p>Siliceous rocky slopes with chasmophytic vegetation</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p><i>Lutra lutra</i> (Otter)</p> | 4.6km | No |  |
| Wicklow Mountains SPA | <p>Merlin (<i>Falco columbarius</i>)</p> <p>Peregrine (<i>Falco peregrinus</i>)</p>   | 5km   | No |  |

|  |   |        |    |  |
|--|---|--------|----|--|
| South Dublin Bay SAC                         | <p>Mudflats and sandflats not covered by seawater at low tide.</p> <p>Annual vegetation of drift lines</p> <p>Salicornia and other annuals colonising mud and sand.</p> <p>Embryonic shifting dunes</p>   | 8km    | No |  |
| South Dublin Bay and River Tolka Estuary SPA | <p>Light-bellied Brent Goose</p> <p>Oystercatcher</p> <p>Ringed Plover</p> <p>Grey Plover</p> <p>Knot</p> <p>Sanderling</p> <p>Dunlin</p> <p>Bar-tailed Godwit</p> <p>Redshank</p> <p>Black-headed Gull</p> <p>Roseate Tern</p> <p>Common Tern</p> <p>Arctic Tern</p> <p>Wetland and Waterbirds</p> | 8km    | No |  |
| Dalkey Islands SPA                           | <p>Roseate Tern</p> <p>Common Tern</p> <p>Arctic Tern</p>   | 14.5km | No |  |

|                                |                           |        |    |
|--------------------------------|---------------------------|--------|----|
| Rockabill to Dalkey Island SAC | Reefs<br>Harbour Porpoise | 14.6km | No |
|--------------------------------|---------------------------|--------|----|

The application site is not directly connected to any of the closest European sites. There are no hydrological or ecological pathways between the sites and the closest sites, (Glenasmole Valley SAC, Wicklow Mountains SAC and SPA) have a minimum separation distance of 4.5km overland. The only indirect pathway that exists would be through the discharge of foul and surface water from the site to the public drainage systems which would eventually discharge to Dublin Bay via the Ringsend Waste Water Treatment Plant for foul water and the River Dodder for surface water.

**Likely impacts of the project (alone or in combination with other plans and projects)**

As the proposed application site is not located within or adjacent to a European site there will be no direct impacts and no risk of habitat loss, fragmentation or any other direct impact.

With regard to indirect impacts, these would be limited to construction phase and could result from air-borne pollutants or water-borne pollutants from construction activities.

As there is no direct or indirect hydrological connection between the subject site and the Glenasmole SAC and the Wicklow Mountains SAC and SPA, any indirect impacts on these sites would be limited to air-borne pollution from construction activities.

As a weak indirect hydrological connection exists between the subject site and the European sites in Dublin Bay, there is a potential for water borne pollutants to enter the designated sites.

**Likely significant effects on the European site(s) in view of the conservation objectives.**

The conservation objectives for Glenasmole Valley SAC are to restore the favourable conservation status of the qualifying interests. Dust deposition is not

listed as a threat to the qualifying interests of the SAC. Given the separation distance between the sites and the scale of the proposed development, any impacts from dust deposition are unlikely.

Any potential impacts from air or water borne pollution from the construction or operational phases of the development can be ruled out for the European sites of Dalkey Islands SPA and Rockabill to Dalkey Island SAC by virtue of the separation distance between the sites and the lack of a direct pathway.

An indirect hydrological connection exists from the site to the South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA via the Ringsend WWTP and the River Dodder. Surface water from the site discharges into the public network on Orlagh Grove, which discharges to the Dodder and eventually outfalls to the Liffey at a hydrological distance of c. 12km from the subject site. Foul water from the site discharges into the public network on Orlagh Grove and is treated at the Ringsend WWTP prior to discharge into the Lower Liffey Estuary.

The qualifying interests of the South Dublin Bay SAC, and the South Dublin Bay and River Tolka Estuary SPA, (estuarine / intertidal habitats and birds), are considered to have a relatively low sensitivity to suspended sediments or other pollutants, and their conservation objectives would not be compromised and there would be no changes in ecological functions due to construction related emissions or disturbance.

The Ecological information presented by the applicant shows clearly the current land use is not suitable for any regular use by the wintering waterbirds of the SPA. There will be no direct or ex-situ effects on wintering water birds or breeding terms from disturbance during construction or operation of the proposed development.

### **In combination effects**

In combination impacts have been considered. There are no developments or projects under construction within the immediate area of the site or within close proximity. There are no large scale developments or projects recently permitted within the area that would result in combination impacts with the subject development.

No mitigation measures are required to come to these conclusions. I consider the provision of the surface water attenuation and oil/petrol interceptor a standard

measure to prevent ingress of pollutants from surface water during the operation phase and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SAC or SPA.

## **Overall Conclusion**

### **Screening Determination**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development would not result in likely significant effects on any European Site and is therefore excluded from further consideration.

Appropriate Assessment is not required.

This determination is based on:

- The scale and location of the development on fully serviced lands in an urban environment.
- Distance from, and weak indirect connections to the European sites.
- The lack of suitability of the site as an ex-situ site for wintering birds.
- Possible impacts identified would not be significant in terms of site-specific conservation objectives for the South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA and would not undermine the maintenance of favourable conservation condition or delay or undermine the achievement of restoring favourable conservation status for those qualifying interest features of unfavourable conservation status.

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

## **9.0 Recommendation**

I recommend that planning permission is granted for the application.



## 10.0 Reasons and Considerations

10.1. Having regard to the nature of the development for the construction of 72 apartments on an infill site in the urban suburb of Scholarstown, and within the curtilage of Scholarstown House, a Protected Structure (RPS Ref. 322), it is considered that the proposed development would be in accordance with the South Dublin County Development Plan 2022-2028 and with the provisions of the South Dublin Building Heights and Density Guide in terms of density and height. It would also be in accordance with national planning policy as set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. It is also considered that the proposed development would not result in any significant negative impact on the character and setting of the Protected Structure by virtue of its design, positioning and external finishes, and as such would be in accordance with the policies and objectives of the South Dublin County Development Plan 2022, and in particular, with NCBH – Objective 2. The proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

|    |  |
|----|--|
| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 8<sup>th</sup> day of May 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p> |
|----|--|

|    |  |
|----|--|
| 2. | <p>The proposed development shall be amended as follows:</p> <p>(a) Screening shall be provided to the relevant balconies to prevent overlooking of Scholarstown House.</p> <p>(b) Apartment No's 0206, 0207, 0306 and 0307 shall be reconfigured so that the opaque windows on the southern elevation are to non-habitable rooms only.</p> <p>(c) Glazed balustrades proposed on balconies and terraces shall be replaced with metal railings.</p> <p>(d) A larger privacy strip shall be provided to the terraces of Apartment No's 0008 and 0009.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of residential and visual amenity and in the interests of the proper planning and sustainable development of the area.</p> |
| 3. | <p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity</p>   |
| 4. | <p>Prior to the commencement of development on the Protected Structure the applicant/developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:</p> <p>(a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage &amp; the Gaeltacht,</p> <p>(b) methodology for the recording and/or retention of concealed features or fabric exposed during the works,</p>   |

|    |   |
|----|---|
|    | <p>(c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,</p> <p>(d) protection of features during the construction works,</p> <p>(e) materials/features of architectural interest to be salvaged,</p> <p>g) details of the replacement of any brickwork or any works of re-pointing which shall be undertaken so that it matches the original existing wall finish,</p> <p>(h) details of the existing roof slates, chimney stacks and pots which shall be retained, any replacement roof slates shall match the existing,</p> <p>(i) details of the remaining rainwater goods and bargeboard which where possible shall be repaired and reused, the replacement of which (if any) shall match the original in terms of design and materials,</p> <p>(j) details of replacement windows which shall be modelled on surviving windows and shall match them in dimensions, opening mechanism, profiles and materials;</p> <p><b>Reason:</b> In the interest of the protection of architectural heritage [in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning</p> |
| 5. | <p>Proposals for an estate numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p><b>Reason:</b> In the interests of urban legibility and to ensure the use of locally appropriate placenames.</p>   |
| 6. | <p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for</p>  |

|    |   |
|----|---|
|    | <p>a service connection(s) to the public water supply and/or wastewater collection network.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water/wastewater facilities.</p>  |
| 7. | <p>Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.</p> <p><b>Reason:</b> In the interest of residential amenities, public health and safety and environmental protection.</p> |
| 8. | <p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p><b>Reason:</b> In the interest of public health.</p>  |
| 9. | <p>Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the landscape plan. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p>   |

|     |  |
|-----|--|
|     | <p><b>Reason:</b> In the interest of amenity and public safety.</p>  |
| 10. | <p>The landscaping scheme as submitted to the planning authority on the 8<sup>th</sup> day of May 2023 shall be carried out within the first planting season following substantial completion of external construction works. Additional tree planting shall be included in the overall scheme with details to be agreed in writing with the planning authority.</p> <p>In addition to the proposals submitted in the scheme the developer shall submit, for the written agreement of the planning authority, details of a revised play area to include provisions for more imaginative, constructive and active play with universally accessible play areas.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p> |
| 11. | <p>Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p>  |

|     |  |
|-----|--|
|     | <p><b>Reason:</b> In the interest of visual amenity and to protect trees and planting during the construction period</p>   |
| 12. | <p>All mitigation measures in the EclA shall be implemented in full.</p> <p>Prior to the commencement of development, the site shall be surveyed for mammals and/or protected species. Any disturbance to badger setts or any other protected species, on site shall be in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist.</p> <p>Hedges and trees to be removed from the site shall not be felled or removed during the nesting season, (i.e. March 1<sup>st</sup> to August 31<sup>st</sup>).</p> <p><b>Reason:</b> In the interest of biodiversity and nature conservation.</p>  |
| 13. | <p>Prior to the commencement of development, a bat survey shall be carried out on the site and the results of the survey shall be submitted in writing to the Planning Authority.</p> <p>Should the presence of bats or bat roosts be found on the site detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.</p> <p><b>Reason:</b> In the interest of nature conservation and wildlife protection.</p> |
| 14. | <p>The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where</p>  |

|     |   |
|-----|---|
|     | <p>archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.</p> <p><b>Reason:</b> To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.</p> |
| 15. | <p>The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be landscaped in accordance with the landscaping scheme submitted to the planning authority on the 8<sup>th</sup> day of May 2023. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>   |
| 16. | <p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>  |

|     |  |
|-----|--|
|     | <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>   |
| 17. | <p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>   |
| 18. | <p>The developer shall comply with the following requirements of the Planning Authority,</p> <p>a) The developer shall submit a traffic survey(s) showing the current conditions at the Scholarstown Roundabout and the retail access on Orlagh Grove, for additional weekdays (Monday and Friday) during school term. The analysis shall also clarify/detail the amount of traffic from surrounding completed and planned developments that was included in traffic growth factors. The findings of the surveys shall inform the preparation of the Mobility Management Plan and a Car Parking Strategy.</p> <p>(b) The developer shall submit for the written agreement of the planning authority, revised plans incorporating pedestrian and cyclist measures and infrastructure along Orlagh Grove from the southern end of the site that adjoins the application site to the south, up to the roundabout at Scholarstown Road. This shall include road markings, improvements to the existing accesses to the site that adjoins the application site to the south and/or improvements to the footpath along this part of Orlagh Grove. All works shall be located within lands within the applicant's or South Dublin County Council's control.</p> <p>(c) The developer shall submit for the written agreement of the planning authority, revised plans for the vehicular access to the site off Orlagh Grove demonstrating compliance with the Design Manual for Urban Roads and Streets and the National Cycle Manual, NTA (2011) or any superseding document.</p> |



|     |   |
|-----|---|
|     | <p>(d) The pedestrian and cyclist site access to Scholarstown Road to the north shall be revised to accommodate cyclists. The potential removal of or changes to the existing gates shall be reviewed having regard to architectural conservation.</p> <p>(e) A Mobility Management Plan and a Car Parking Strategy shall be prepared and submitted to the planning authority for agreement following the completion of the abovementioned traffic survey(s), consideration to be given to dedication of some of the approved car parking spaces to a residents' car club.</p> <p><b>Reason:</b> In the interest of sustainable transport and traffic safety.</p>   |
| 19. | <p>(a) 183 no. safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority.</p> <p><b>Reason:</b> To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p> |
| 20. | <p>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. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>   |
| 21. | <p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional</p>   |

|     |   |
|-----|---|
|     | <p>circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>   |
| 22. | <p>Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of reducing waste and encouraging recycling.</p>   |
| 23. | <p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity.</p>   |
| 24. | <p>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</p> |

|     |  |
|-----|--|
|     | <p>application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.</p>   |
| 25. | <p>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 of roads, footpaths, watermains, drains, 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 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.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>  |
| 26. | <p>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 transfer of land in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on the land in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and</p> |

|  |   |
|--|---|
|  | Development Act 2000, as amended, and of the housing strategy in the development plan for the area. |
|--|---|

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

---

.Elaine Sullivan  
Planning Inspector

18<sup>th</sup> of September 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

|   |  |                                      |                                  |
|---|--|--------------------------------------|----------------------------------|
| <b>An Bord Pleanála<br/>Case Reference</b>  | ABP-317724-23  |                                      |                                  |
| <b>Proposed Development<br/>Summary</b>   | The demolition of sheds and outbuildings within the curtilage a protected structure (RPS Ref. 322), and the construction of 72 apartments with 40 surface car parking spaces, 183 bicycle spaces and a new vehicular access from Orlagh Grove. |                                      |                                  |
| <b>Development Address</b>  | Scholarstown House, Scholarstown Road, Dublin 16   |                                      |                                  |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings)  |  | <b>Yes</b>                           | X                                |
|   |  | <b>No</b>                            |                                  |
| <b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>   |  |                                      |                                  |
| <b>Yes</b>  |  |                                      | EIA Mandatory<br>EIAR required   |
| <b>No</b>   | X  |                                      | Proceed to Q.3                   |
| <b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b> |  |                                      |                                  |
|   |  | <b>Threshold</b>                     | <b>Comment<br/>(if relevant)</b> |
| <b>No</b>   |  | N/A                                  |                                  |
| <b>Yes</b>  | X  | Class 10(b)(i) – Threshold 500 units | Proceed to Q.4                   |

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

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

**Appendix 2 - Form 2**  
**EIA Preliminary Examination**

|   |  |                              |
|---|--|------------------------------|
| <b>An Bord Pleanála Case Reference</b>  | ABP-317724-23  |                              |
| <b>Proposed Development Summary</b>   | The demolition of sheds and outbuildings within the curtilage a protected structure (RPS Ref. 322), and the construction of 72 apartments with 40 surface car parking spaces, 183 bicycle spaces and a new vehicular access from Orlagh Grove. |                              |
| <b>Development Address</b>  | Scholarstown House, Scholarstown Road, Dublin 16   |                              |
| <p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p> |  |                              |
|   | <b>Examination</b>   | <b>Yes/No/<br/>Uncertain</b> |
| <b>Nature of the Development.</b>   |  |                              |
| Is the nature of the proposed development exceptional in the context of the existing environment.   | The proposed development is an apartment development located in an urban suburb and surrounded by residential development, including apartment developments  | No                           |
| Will the development result in the production of any significant waste, emissions or pollutants?  | The development will be connected to the public foul water system and domestic waste generated from the development will be collected by a contractor.   | No                           |
| <b>Size of the Development</b>  |  |                              |
| Is the size of the proposed development exceptional in the context of the existing environment?   | The 3-5 storey development is in proximity to two storey houses but there are apartment  | No                           |

|   |   |    |
|---|---|----|
| Are there significant cumulative considerations having regard to other existing and / or permitted projects?  | developments of 6 storeys in height nearby.<br><br>There are no large-scale projects ongoing or permitted.      | No |
| <b>Location of the Development</b>  |   |    |
| Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species? | It is not located in, or adjoining, any sensitive or designated sites.  | No |
| Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?            | The proposed development is within the curtilage of a Protected Structure but will not significantly affect it. | No |
| <b>Conclusion</b>   |   |    |
| There is no real likelihood of significant effects on the environment.<br><br>EIA is not required.  |   |    |

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)