



An
Bord
Pleanála

Inspector's Report ABP318476-23

Development	Social housing development of 10 one-bed units in a two to three storey apartment building, associated car parking and bicycle parking, new vehicular and pedestrian access onto Old Nagor Road.
Location	Lands at Old Nangor Road, Clondalkin, Dublin 22.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD22A/0412.
Applicant(s)	Dublin Simon Community
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Dublin Simon Community
Observer(s)	None
Date of Site Inspection	14/03/24

Inspector

Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The applicant site is centrally located on the Old Nangor Road in Clondalkin Village. It is proximate to the Mill Shopping Centre. Nangor Road is separated from the main shopping centre complex by surface car parking to the south of the shopping centre mall. A McDonalds restaurant is located approximately 80m north-east of the development site. The development site presents as a vacant plot of land;
- 1.2. The site presents a high stone rubble wall to the street. Leinster Terrace a residential streetscape of 2 bay 2-storey houses is located immediately opposite the development site on the Nangor Road;
- 1.3. The access onto the development site is located in the splay between the Nangor Road frontage and the north-western property boundary with the adjoining car park of CPM Pitch & Putt;
- 1.4. The property to the north west is the surface car park of CPM Pitch & Putt. The north-western site boundary is defined by a masonry block wall;
- 1.5. The property to the south-east located between the development site and Mill Lane is the Jehovah Kingdom Hall. There is surface car parking located immediately south of the shared property boundary;
- 1.6. A protected structure 'Riverside House' (RPS Ref. 136) adjoins the development site located to the south-east of the development site on Nangor Road. This 4-bay two-storey structure is not inhabited and is in an advanced state of decay. It presents a gable overgrown by vegetation to the development site albeit that the front plane of the pitched roof of the house is intact;
- 1.7. A 4-storey contemporary apartment complex forms the backdrop to the development site to the south-west.
- 1.8. Site area is given as 0.121 hectares.

2.0 Proposed Development

- 2.1. The construction of a social housing development of 10 number one-bedroom apartments in a two to three storey apartment building associated car parking and bicycle parking.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reasons:

- (1) Notwithstanding the grant of planning permission for similar development under planning reference SD16A/0450, the proposals to build over an existing culvert and the absence of a setback contravene IE3 Objective 2 of the South Dublin County Development Plan (CDP) 2022-2028 and would be prejudicial to public health and would give rise to risk of localised flooding as a result of blockage and inadequate maintenance access. Moreover the replacement of existing culvert with three concrete pipes exacerbates the risk of blockage and localised flooding contrary to the proper planning and sustainable development of the area and in contravention of the CDP 2022-2028.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The CEO of South Dublin County Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

- The Landuse, Planning and Transportation Department recommend additional information in the matter of vehicular access, car parking and bicycle parking. Clarification of additional information was required subject to the additional information response.
- The Water Services Division recommends refusal to the original submission and additional information response principally as the development is to be built directly over an existing culverted stream passing through the site. A culvert requires a minimum set back of 10m to a structure. However, consideration can be given to a setback of 3m subject to suitable structural development of the culvert. Changing the culvert to three pipes is not acceptable because it increases the risk of blockage and is more difficult to maintain.

- Irish Water have no objection subject to conditions.
- Public Realm Planning requested additional information in the matter of landscape design, public space provision, sustainable drainage systems, green infrastructure and boundary treatment.
- Conservation have concerns in regard to the boundary wall and the elevation treatment and site layout given proximity to the Clondalkin Village ACA, a protected structure and the proposed relationship with a development to the rear.
- Environmental Health do not object to the development subject to condition.

4.0 Planning History

The following planning history is relevant.

Under Register Ref: SD16A/0450 planning permission subject to 12 conditions was granted 21/07/2017 for a social housing development comprising of 10 one bed units in a three storey apartment building and associated works, new vehicular access onto Old Nagor Road and new pedestrian access to replace existing vehicular entrance.

A request for further information was requested by the planning authority. The further information request (21/12/22) and response (26/09/23) is summarised below:

1. The planning authority has concerns regarding the proposed development located directly over an existing culverted stream. It is Council policy to open culverted streams where possible and to require a minimum setback distance of 10m to a structure.

Response:

The applicant submitted a culvert survey and design report prepared by IE Consulting. The evidence concluded that the culvert is a manmade drain channelling water from a mill pond. The applicant stated that given site configuration it was not feasible to provide a setback from the culvert. The least onerous proposal is to provide 3 no. 900mm pipes in lieu of the culvert.

The applicant also submitted compliance with Greater Dublin Regional Code of Practice for drainage works prepared by Hayes Higgins Partnership, which includes further details of the SUDs proposed throughout the development and the required attenuation for the subject site.

The Water Services Department of the planning authority recommends refusal further to the additional information response.

2. An Irish Water pipe intersects directly through the site from west to east, and there should be a 3m setback distance from the existing water main.

Response:

Hayes Higgins Partnership prepared documentation in response noting that the existing 100mm diameter cast iron water main traverses the site from west to east will be diverted around the building as required.

Enclosed in the documentation response is correspondence from Irish Water confirming feasibility for drainage of the previous development granted planning permission. No issues are anticipated in regard to the subject application.

Irish Water have no objection subject to conditions.

3. There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The following were required to be addressed: (i) The applicant is requested to provide detailed landscape design for the proposed development; (ii) provision of public open space; (iii) Sustainable Drainage Systems; (iv) green infrastructure and; (v) boundary treatment.

Response:

The applicant confirms that no public open space is proposed on site in accordance with COS5 Objective 4 of the South Dublin County Development Plan 2022-2028 given the infill nature of the proposed development, the provision of semi-private and private open space and the proximity of public open space to the development site.

In the matter of green infrastructure, the proposed development cannot satisfy the green space factor score (GFS). However, it incorporates as much natural

planting features that are feasible for the development site. The applicant indicates that they are open to further liaison with the planning authority in regard to this matter.

The applicant submits that owing to the proximity of the development site to the town centre, its infill typology, the provision of private and semi-private open space and the proximity of public parks within the vicinity that an omission of public open space in the instance of the proposed development should be deemed appropriate.

4. The applicant is requested to submit a revised layout not less than 1:200 scale showing the car parking, bicycle parking and pedestrian routes within the development.

Response

The applicant submitted revised specifications prepared by Walsh Associates and documentation including visibility splay drawings prepared by Hayes Higgins Partnership including a revised overall site plan. 15 covered bicycle parking spaces would be provided.

The Roads Department recommends clarification of additional information in regard to height of boundary walls (maximum height 1.2m), sight lines etc.

5. The drawings submitted regarding the boundary of the site need more detail regarding the existing retained and proposed built front boundary wall for a full assessment.

Response

The applicant would retain the existing boundary. Drawings (D-707 & D-708) prepared by Walsh Associates illustrate boundary retention to the front of the site.

The proposed building has been set back from the main road at an appropriate distance to sensitively integrate into the receiving architectural conservation area context provided by Leinster Terrace and the adjacent protected structure.

6. There are concerns in the matter of the privacy of amenity space for the occupiers of ground floor apartments nos. 3 and 4.

Response

The applicant submitted revised elevation and section drawings prepared by Walsh Associates providing *inter alia* for revised fenestration including high level windows. Also refer to Drawings P-002A rev 01 (site plan) and D-708 (boundary treatment) showing private patio areas and demonstrating *inter alia* proposed railings providing separation of the private and communal open spaces.

5.0 Policy and Context

5.1. Development Plan

The local policy framework is provided by the South Dublin County Development Plan 2022-2028. The relevant policies and objectives in the development plan relate to the functional area of South Dublin County Council (SDCC) and are set-out below:

- Zoning

The relevant land-use zoning objective is “TC” (Map 5): *to protect, improve and provide for the future development of town centres.*

The Zoning Objectives are listed in Chapter 12 (Implementation & Monitoring), the relevant Table 12.15 (Land-Use Zoning Objective “TC”) residential is a permitted in principle use.

Specific Local Objective (NCBH20) SL01 indicating proximity to an architectural conservation area (Clondalkin Village architectural Conservation Area (ACA)

- Urban Consolidation

Chapter 2 (Core Strategy & settlement Strategy). Section 2.2 is relevant and states:

The Core Strategy is made up of the settlement hierarchy and growth strategy for South Dublin County and is an essential part of the Plan demonstrating that the quantum and location of development in the County is in line with National and Regional planning policy.

The core strategy is depicted diagrammatically in Figure 10 (Core Strategy Map) would indicate that the development site is located within the settlement designation of 'Dublin City and Suburbs'.

Policy C54 (Active Land Management) Objective 2 is relevant and states:

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) is relevant and states:

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).

Policy CS7: (Consolidation areas within the Dublin City and Suburbs settlement), which promotes the consolidation and sustainable intensification of development within the Dublin City and Suburbs settlement boundary - Objective 3 states:

To promote and support the development of undeveloped infill and brownfield zoned lands and to promote pre-application consultation in accordance with Section 247 of the Planning and Development Act, 2000 (as amended) (consistent with RPO 4.3).

- Infill Development

Chapter 12 (Implementation and Monitoring) Section 12.6.8 (Residential Consolidation) provides a list of criteria that development on infill sites should satisfy. They include *inter alia* site analysis, the application of the *Sustainable Urban Design Standards for New Apartments, 2000*, guidance in regard to retention of site features, building height, the protection of residential amenity and ensuring that

residential amenity is not adversely impacted as a result of the proposed development.

It is noted that reduced car parking standards may be considered for infill development. Car parking will be examined in the context of public transport provision and the proximity of services and facilities such as shops.

- Residential Development

Chapter 12 (Implementation and Monitoring), Section 12.6 (Housing – Residential Development) is relevant. In the matter of apartment development, all apartments shall comply with the Specific Planning Policy Requirements (SPRRs), the standards set out under Appendix 1, and general contents of the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*, DECLG (2020) (Apartment Guidelines).

- Green Infrastructure

Chapter 4 (Green Infrastructure GI) Section 4.1 (Methodology) is relevant. Policy GI1 Objective 4 states:

To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

Section 4.2.2 (Sustainable Water Management) is relevant. Policy Objective G13 *inter alia* states:

Protect and enhance the natural, historical, amenity and biodiversity value of the County's watercourses. Require the long-term management and protection of these watercourses as significant elements of the County's and Region's Green Infrastructure Network and liaise with relevant Prescribed Bodies where appropriate.

Accommodate flood waters as far as possible during extreme flooding events and enhance biodiversity and amenity through the designation of riparian corridors and the application of appropriate restrictions to development within these corridors.

And

Policy G14 (Sustainable Drainage Systems), which states:

Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.

- Public Open space

Chapter 5 (Community Infrastructure & Open space (COS), Section 8.7.4 (Delivery of Public Open space and Contributions in Lieu) Policy CO55 Objective 4 *inter alia* states:

To require the provision of public open space as part of a proposed development site area in accordance with the Public Open Space Standards (minimum) set out in Table 8.2.

Table 8.2 (Public Open Space Standards)

Land Use	Public Open Space Standards (minimum)
New Residential Development on Lands Zone RES-N	Minimum 15% of site area
New Residential Development on Lands in Other Zones including mixed use	Minimum 10% of site area
Institutional Lands / 'Windfall' Sites	Minimum 20% of site area

The subject development is within a mixed use zone.

- Vehicular Access, Car and Bicycle Parking

Chapter 7 (Sustainable Movement) is relevant. Section 7.2 (Overreaching Policies and Objectives) Policy SM1- Objective 1 states:

To achieve and monitor a transition to more sustainable travel modes including walking, cycling and public transport over the lifetime of the County Development Plan, in line with the County mode share targets of 15% Walk; 10% Cycle; 20% Bus; 5% Rail; and 50% Private (Car / Van / HGV / Motorcycle).

Section 7.6 (Public Transport) Policy SM3- Objective 3 states:

To ensure that future development is planned in such a manner as to facilitate a significant shift to public transport use through pursuing compact growth policies, consolidating development around existing and planned public transport routes and interchanges, and maximising access to existing and planned public transport services throughout the network.

Chapter 12 (Implementation and Monitoring), Section 12.7 (Sustainable Movement) 12.7.4 (car parking standards), 12.7.6 (Car Parking Design Layout) and Bicycle Parking (12.7.1) are relevant.

The following national and regional planning policy documents are relevant in the context of sustainable residential land-use and the strategic policy objective to achieve compact growth:

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA), (June 2019);
- Sustainable Urban Housing: Design Standards for New Apartments, Department of housing, Planning and local Government, (2018);
- Urban Development and Building Heights Guidelines for Planning Authorities, Department of housing, Planning and Local Government, (2018);
- The Department of Housing, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities', (15 January, 2024).

Chapter 5 (Standards), Section 5.3.4 (Car parking – quantum, Form and Location), SSPR3 – Car Parking is relevant:

It is a specific planning policy requirement of these Guidelines that:

- (i) 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.*
- (ii) 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.*
- (iii) In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling*

5.2. EIA Screening

5.3. Having regard to the nature and scale of the proposed development for an infill apartment building comprising 10 one-bedroom apartments, located within a built-up urban area and the criteria set out in Schedule 7 of the Regulations, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal statement is prepared by Downey Chartered Town Planners on behalf of the appellant. The appeal statement is summarised below:

- The appeal statement is accompanied by a number of appendices including an ecological letter prepared by OPENFIELD Ecological Services; a Culvert Hydraulic Assessment Report prepared by IE Consulting; a legal opinion prepared by Peter Bland SC, an alternative site layout design option drawing prepared by Walsh Associates.
- In the matter of the principle of development, the proposal satisfies the national, regional and local planning policy context, which prioritises urban consolidation. The proposed development will meet multiple National Strategic Outcomes regarding sustainable development. The proposal is further supported by regional and local specific policy objectives for compact growth, the promotion of residential development and the meeting of housing targets.
- A previous planning permission was granted in 2017 under register reference SD16A/0450 for the same development on this site. Dublin Simon Community had advanced this project. However, due to unforeseen circumstances including the Covid 19 pandemic the development did not have substantial works completed to extend the permission. The new planning application essentially represents the resubmission of the previous planning granted on site incorporating much of the planning compliance submission and engineering matters following on site investigation works
- In the matter of the culvert, the applicant is of the opinion that the culvert notwithstanding the submission by the applicant of extensive documentation (studies / assessments) has not been fully considered in the planning assessment.

- The culvert is a manmade drain. The purpose of culvert is to provide an overflow from the old mill pond. The overflow is channelled via a concrete tank with a controlled flow into a stone channel leading to a sump manhole to the level of the culvert. All of the above are manmade structures. A significant amount of work has been carried out in recent years including hydraulic engineering reports prepared following the discovery of the culvert in 2018.
- The infill and constrained urban nature of the development site does not allow for a set back from the subject culvert. Various alternative design options were explored by the design team resulting in a 'least onerous' design solution comprising 3 no. 900mm pipes in lieu of the existing culvert.
- The applicant has sought legal opinion on the culvert from Peter Bland SC, the Board is invited to refer to the letters prepared.
- The project ecologist, OPENFIELD ecological services, state that daylighting the culvert through which the mill race runs would provide minimal ecological benefit for aquatic species and would provide no benefit at all in terms of reaching the aims of the Water Framework Directive. It is the view of the appellant that because the culvert is not a water course, G13 Objective 3 of the County Development Plan, does not apply.
- In the matter of roads department concerns regarding bin storage and sightlines, the applicant is now proposing, and following the applicant's additional information response, an alternative design solution omitting car parking. The alternative design option addresses additional South Dublin County Council (SDCC) concerns, which were expressed within the Planner's Report. A revised site layout plan is prepared by Walsh Associates Architects omitting car parking and substituting a high quality communal open space to the front of the site for the consideration of the Board (Figure 5: extract of alternative design option).
- The alternative design also omits the vehicular entrance (sightlines and truck reversal no longer an issue) and moves the bin store closer to the entrance, which would enable ease of bin access and collection (bins managed on a weekly basis by a management company with waste operator).

- In the matter of conservation department concerns, the applicant proposes that the boundary wall can be retained and repaired as required using good conservation practice. The applicant is amenable to liaise with South Dublin County Council regarding the selected material finish of the brick and cladding and to take into consideration the modern development to the rear of the site at a separation distance greater than 45m.
- In the matter of privacy, the alternative design option significantly increases the depth and potential for landscape screening to the northeast and west of the subject apartment building. It is claimed that the amended high level windows can be reverted to the original design option submitted for unit nos.3 & 4 as opposed to the additional information design that provided for high level windows. Furthermore, the applicant proposes to move the entrance and glazing to the staircase to the northwest elevation to address the concerns regarding nuisance to units nos. 4 & 8. The appellant is amenable to condition such matters if the Board grant the development permission.
- Dublin Simon Community is a charity organisation and supports people in making homes a reality. The proposed development would support policies and objectives in providing housing stock for those who are more vulnerable within society while representing an appropriate use of this infill urban site. There is a significant demand that needs to be met where a recorded figure of almost 13,000 persons live in emergency accommodation of August 2023. The provision of 10 social housing units would alleviate demand, contribute to 'Housing for All' policy and the South Dublin County Council (DDCC) Housing Delivery Action Plan 2022-2026.
- This first party appeal should be read in combination with the supporting overall planning documents that were submitted to South Dublin County Council under Reg. Ref: SD22A/0412.

6.2. Planning Authority Response

The planning authority response dated 29th November, 2023 is summarised below:

- If an obligation under Part V of the Planning and Development Act, 2000 applies to the application under appeal please ensure that the condition stating the nature of the obligation is included in the decision of the Board;
- In the event a decision to grant permission cognisance should be had to the South Dublin County Council Contribution Scheme. Furthermore, the development may be within an area where supplementary contributions are applicable in relation to the Kildare Route Project Supplementary Development Contribution Scheme;
- Finally, conditions relating to security under Section 34 (4) (g) of the Planning and Development Act 2000, as amended, should be applied where appropriate, particularly in the case of residential development of 2 or more residential units;

The planning authority (Planning and Transportation Department) response dated 7th December, 2023 is summarised below:

- The planning authority have commenced the preparation of a Local Area Plan for Clondalkin in March 2023. A second round of pre-draft public consultation will take place in early 2024 (February). The investigation of sites at this location concentrating on the cohesiveness of the sites in the area will form part of plan preparation. The positive attributes that will come out of a comprehensive design for the area cannot be understated;
- The subject site is located in the heart of Clondalkin Village, in immediate proximity to a protected structures (RIC Barracks: RPS Ref: 136, Map 6), the River Camac (which has the potential to flood) and, lands that have the potential to link the Corkagh Park via greenway. All of these matters should be considered in the Board assessment.
- The Local Area Plan will include a conservation plan guiding sensitive and sustainable development alongside enhancement of the existing historic fabric;
- In realising a quality village environment, the Plan will put in place mechanisms to achieve multiple benefits within the historic village core (and further afield), such as, *inter alia* opening up wider connections, managing

surface water drainage in the interests of climate adaptation, introducing GI and enhancing the County's heritage all in accordance with County Development Plan.

6.3. Observations

None recorded.

7.0 Assessment

7.1. The substantive planning matters arising from the grounds of appeal, the reason for refusal and the proper planning and sustainable development of the area are assessed below under the following headings:

- Zoning
- Compact growth achieving urban consolidation
- Infill development
- Apartment standards, open space and building design
- Drainage and the matter of the culvert on site
- Green infrastructure
- Conservation
- Potential impact on existing residential amenities
- Vehicular access, car parking & bicycle parking
- Development Contributions

7.2. The applicant proposes to build a three-storey infill apartment building, comprising 10 one-bedroom social housing units, with the upper floor significantly recessed on the north-east entrance elevation. The development would comprise approximately 696 sqm. The apartment building would be set back from the Old Nangor Road at a distance of approximately 25m from the property boundary. The planning authority had previously granted permission for a similar development in 2017, which did not proceed due to project delays including the constraints resulting from the pandemic.

- 7.3. The planning authority requested further information on a number of grounds on the 21 December, 2022 (see planning history section). The applicant responded on the 26th September, 2023 claiming a comprehensive response to this request. The planning authority refused planning permission for the development arising from the presence of a culvert on site, which was unknown at the time of the 2017 assessment. The subject culvert would be built over to facilitate the construction of the apartment building and 3 concrete pipes would replace the culvert. The planning authority concluded that the concrete pipes were inappropriate substitution and would result in localised flooding.
- 7.4. The appellant has submitted with the appeal statement an alternative design option. The alternative design option comprises a revised site layout drawing prepared by Walsh Associates Architects (P-501 dated Nov. 23 submitted to An Bord Pleanála on the 17 November, 2023). The revised site layout plan prepared by Walsh Associates omits the car parking area to the front of the development (Figure 5 appeal statement: extract of alternative design option) and substitutes a landscaped garden to the front of the apartment building in the area between the front elevation of the apartment building and the property boundary with the Old Nangor Road.
- 7.5. It is considered that the alternative design option does not propose a change in the location of the building footprint. The car parking area would be omitted in its entirety and a communal open space would be substituted. The alternative design option would not give rise to additional planning considerations. I consider on balance that the revised site layout is not a material change from that original submitted to the planning authority and may be considered by the Board.
- 7.6. Zoning
- The development site is zoned town centre. Residential is a permitted in principle use under the town centre zoning objective. The development site is located within an established urban area with piped services available. I consider that the development site is an acceptable residential location. I further consider that the provision of 10 apartments for the purposes of social housing is acceptable in principle.
- 7.7. Compact growth achieving urban consolidation

National Planning Framework (NPF 2018) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region (EMRA) (2019) encourage and supports the densification of existing urban / suburban areas and promotes the use of performance based criteria in the assessment of developments to achieve well designed and high quality outcomes.

- 7.8. The South Dublin County Settlement Strategy is guided by the policy framework set out at national and regional levels. It seeks the consolidation of the existing urban footprint including the settlement designation 'Dublin City and Suburbs'. Policy CS6 (Settlement Strategy – Strategic Planning Principles) is relevant and states:

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).

The South Dublin core strategy is depicted diagrammatically in Chapter 2, Figure 10 (Core Strategy Map) of the South Dublin County Development Plan 2022-2028 and indicates that the development site is located within the designation settlement of 'Dublin City and Suburbs'.

- 7.9. The densification of urban lands in particular under-utilised brownfield and vacant sites accessible to commercial centres by walking, cycling and public transport is strongly promoted. Policy CS7 promotes the consolidation and sustainable intensification of development within the 'Dublin City and Suburbs' settlement boundary. Policy CS7 Objective 3 promotes and supports *inter alia* the development of undeveloped infill and brownfield zoned lands.
- 7.10. The development site is located centrally in Clondalkin Village and represents an underutilised plot of land within the town centre. The site is served by high frequency public transport and is accessible by walking and cycling to nearby social and commercial services. Clondalkin is served *inter alia* by Dublin Bus route 13 and route W2, which have a peak hour frequency of between 12-15 minutes. There is a bus stop on Orchard Road approximately 300m from the development site. It is considered that the development site is in a central and accessible location.

- 7.11. Section 2.7.1 (Dublin City & Suburbs) of the South Dublin County Development Plan 2022-2028 states that the 'Dublin City & Suburbs' designation is the only nationally and regionally defined settlement within South Dublin County. The settlement 'Dublin City and Suburbs' is targeted to accommodate more than 92% of South Dublin population growth to 2028. The development plan acknowledges that the characteristics of the neighbourhoods within this settlement are unique and provide individual strengths and opportunities which development plan policy must protect and enhance in order to contribute towards the creation of great places in which to live, work, socialise and invest.
- 7.12. Tallaght, Clondalkin and Lucan form the larger centres within the designation 'Dublin City & Suburbs' within South Dublin County. A key component of the development plan is to support the consolidation of these key urban areas, which are critical for the delivery of services, retail and economic activity interconnected with existing and planned transportation. The proposed development would provide 10 additional residential units within the existing built-up area of 'Dublin City and Suburbs' on underutilised serviced lands in Clondalkin Village (zoned town centre). It is considered that the proposed development is acceptable in principle subject to the assessment of its merits to enhance and integrate within the receiving environment including the protection of existing amenities. These matters are interrogated in my assessment below.
- 7.13. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) set national planning policy and guidance in relation to the planning and development *inter alia* for urban settlements with a focus on sustainable residential development and the creation of compact settlement. The Guidelines expand on higher-level policies of the National Planning Framework, setting policy and guidance that include development standards for housing. Chapter 5 (Development Standards for Housing) provides *inter alia* guidance for separation distance, private open space, public open space, car parking, bicycle parking and storage and daylight standards. The following assessment *inter alai* is informed by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.
- 7.14. Infill development

Section 12.6.8 (Residential Consolidation) of the South Dublin County Development Plan 2022-2028 *inter alia* provides criteria for the assessment of infill development. They include *inter alia* the requirement for site analysis, the application of the Sustainable Urban Design Standards for New Apartments Guidance (2020), retention of site features, building height, the assessment of residential amenity and the protection of existing residential amenity. These matters *inter alia* are interrogated in my assessment below.

7.15. The proposed development comprises a detached three-storey apartment building located on the Old Nangor Road. The entrance elevation would be set back from the streetscape and the building would have a separation distance of approximately 25m from the property boundary on the Old Nangor Road. The three-storey building would have the upper floor significantly recessed on the north-east entrance elevation (5m set back). The entrance elevation would be 6m in height. I consider that the height, scale and massing of the proposed apartment building would integrate with the existing streetscape on the Old Nangor Road and would be acceptable in principle.

7.16. Apartment standards, open space & building design

The proposed development comprises the construction of 10 one-bedroom apartments in a purpose built apartment building. All of the apartments would be dual aspect. Each apartment has a dedicated functional private open space provision in the form of an accessible balcony or patio in excess of 5 sqm. In addition communal / public open space is provided in a dedicated landscape front garden area as shown on DRG. P-501 dated Nov. 23 submitted to An Bord Pleanála on the 17 November, 2023.

7.17. The internal configuration of the residential units would provide a balance between bedroom and reception space. The one-bedroom apartments would satisfy internal floor area standards and all would exceed the 45 sqm. minimum requirement. Therefore, the development would satisfy Section 3.8 (Safeguarding Higher Standards) of the 'New Apartments, Guidelines for Planning Authorities (December 2000)', which requires that the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard.

- 7.18. In the matter of public open space, I consider that the proposed development would satisfy Policy Objective CO55 Objective 4 (public open space standards) of the South Dublin County Development Plan 2022-2028 in principle. The development infill typology of the site and proximity to public parks is noted. The revised site layout to the front of the proposed apartment building omitting car parking, between the front elevation of the building and the property boundary on the Old Nangor Road, would provide a landscaped communal amenity area to the street.
- 7.19. The apartment scheme would be provided with appropriate dedicated refuse storage and bicycle parking, as shown on the alternative design option site layout plan. It is considered that the proposed development would comply with the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2000)* and with Section 12.6 (Housing – Residential Development), Apartments, of the South Dublin County Development Plan 2022-2028.
- 7.20. In the instance of a positive recommendation, the appellant requests the Board to revert the amended fenestration, submitted by way of further information response (Paragraph 6 of the further information request), to apartment no. 4 to the original design option as opposed to the further information design that provided for high level windows. The appellant provides mitigation to support the reinsertion of the original window design given the relocation and recess of the main entrance and staircase glazing onto the north-west elevation. This matter can be dealt with by way of condition.
- 7.21. The apartment building would have four principal elevations evidencing the detached nature of the purpose build apartment building. The elevations would exhibit a selected brick material finish. The second floor would read as a penthouse level and would be clad in a selected metal cladding. The elevation fenestration would comprise a mix of larger and smaller window openings. The larger window openings in instances are framed by projecting balconies. The overall composition presents a contemporary design solution and is acceptable in principle.
- 7.22. Drainage and the matter of the culvert on site

The substantive consideration in the reason for refusal of planning permission by the planning authority is the location of a culvert on site. The culvert is in a stone arch construction and is located to the rear of the development site. The culvert traverses

the site in a north / south alignment. The alignment extends from the mill pond (inlet) on Mill Lane to the south of the development site to the Camac River (outlet) to the north of the development site. The alignment continues under the surface car parking area of the Jehovah Kingdom Hall to the south and the surface car park of CPM Pitch & Putt to the north. The culvert is not visible on site. The appellant claims that the culvert is man made to contain the mill race and is not a natural stream that would be included in the scope of Policy Objective G13 of the South Dublin County Development Plan 2022-2028.

- 7.23. The fractured property ownership along the culvert alignment would ensure that only a limited section of the underground water course would be made visible by opening up the culvert to the rear of the development site as envisaged by the planning authority. The project ecologist, 'OPENFIELD Ecological Services', recommend that daylighting the culvert through which the mill race runs would provide minimal ecological benefit for aquatic species and would provide no benefit at all in terms of reaching the aims of the Water Framework Directive. The appellant states that it is not possible to set back the apartment building from the culvert given the constraints of the urban site.
- 7.24. It is considered that it is desirable to ensure that the alignment of the culvert remains unbuilt. The Water Services Planning Report requires a minimum set back distance of 3m for maintenance and access is required. However, the regeneration / development of vacant underutilised town centre sites is a national, regional and local urban consolidation objective. The optimisation of the development potential of the site in order to accommodate the apartment building requires that part of the apartment building will be constructed above the culvert alignment.
- 7.25. The appellant states that the culvert / water channel is manmade. I consider that the justification supporting this claim is evidenced in the 'Dublin Simon Community Proposed Development Site, Old Nangor Road, Dublin 22 Existing Culvert Hydraulic Assessment Report' dated 27th March, 2020 prepared by IE Consulting. The stone arch culvert (2.47m wide and 1.56m high = 3.85 diameter) was constructed as part of a paper mill no longer operational. The existing stone arch culvert is significantly blocked by stone. The Report notes that if it were free from blockage (presently at 60-80% capacity) the culvert capacity would be significantly greater than the rate of

discharge from the mill pond. The appellant claims that the unblocking of the culvert would enhance the water drainage system now in place, which is in poor condition.

- 7.26. The appellant proposes 3 concrete pipes (3 x 900mm) to replace the existing culvert. The 3 concrete pipes would have a combined diameter less than the existing stone arch culvert. However, the rate of discharge from the mill pond and other sources would be accommodated by the proposed pipes. The Existing Culvert Hydraulic Assessment Report evaluates the potential peak flow into the culvert from other sources including (surface water) from the 'Mill Pond Apartments' located proximate to the mill pond and the Pitch & Putt adjacent to the development site. The peak flow in the culvert is estimated to be 1.02m³/s.
- 7.27. The conclusion of the Report estimates that the peak flow capacity of the existing stone arch culvert (unblocked) is significantly greater than what may flow through the culvert. The Report recommends a culvert design that would reflect the peak flow rate rather than the full bore capacity of the stone arch culvert, as the existing full bore capacity is no longer required, or is it appropriate, as the paper mill is no longer in existence.
- 7.28. The design of the proposed culvert piping includes manholes upstream and downstream of the proposed apartment building for maintenance access purposes. On balance the proposed development is acceptable given the constraints of the development site, the policy objectives to regenerate vacant underutilised lands within urban areas and the mitigation measures proposed by the appellant. In the matter of Policy Objective G13, I consider that a derogation is acceptable in the instance of the proposed development given the nature of the water course within the culvert, which is a manmade channel to contain the mill race from the mill pond to the Camac River.
- 7.29. In the matter of the watermain on site, the applicant has agreed to relocate the watermain around the apartment building. Surface water drainage can be dealt with by way of condition. It is noted that the appellant claims that the alternative design option providing for a communal amenity open space to the front of the apartment building replacing the car park layout would lead to more sustainable urban drainage of the site. This may negate the requirement for an attenuation tank.
- 7.30. Green infrastructure

Policy GI Objective 4 requires development to incorporate GI as an integral part of the design and layout concept for all development through the explicit identification *inter alia* of GI as part of a landscape plan. I consider that the revised site layout plan submitted with the appeal statement, as an alternative design option, that would provide for a landscaped amenity space to the front of the proposed apartment building and the landscaping of the residual site area around the detached apartment building would be acceptable and would substantially satisfy Policy GI Objective 4 of the South Dublin County Development Plan 2022-2028.

7.31. Conservation

The development site is located immediately outside the Clondalkin Village Architectural Conservation Area (ACA), which is delineated by the property boundary of the adjoining site at Riverside House (protected structure). The purpose of an ACA designation is to define the boundaries of an area that merit protection and to use appropriate controls over development in order to protect and enhance the special character of the ACA. I consider that the development site is within a transition area between the ACA and the broader village hinterland.

The applicant states that the proposed building has been set back from the main road at an appropriate distance to sensitively integrate into the receiving ACA context provided by Leinster Terrace opposite (within the ACA) and the adjacent protected structure (within the ACA). I consider that the set back of the apartment building by approximately 25m from the Nangor Road property boundary and by approximately 5m from the property boundary with Riverside House respects context.

It is further considered that the contemporary design of the elevations of the proposed apartment building and the proposed revised landscape amenity area, as provided for in the alternative design option, between the front elevation and the property boundary on the Nangor Road, would provide an acceptable transition context to the Clondalkin Village ACA.

- 7.32. The substantive conservation matter is the retention and repair of the boundary stone wall. The applicant has indicated that the wall will be retained and repaired. The action to retain the boundary wall is clearly shown on Drawing P-501 dated Nov. 23 submitted to An Bord Pleanála on the 17 November, 2023. A condition requiring

the application of best conservation practice and the monitoring of conservation works can be attached to a positive recommendation.

7.33. Potential impact on existing residential amenities

The potential impact on the residential amenities of existing residents is minimised by the predominant non-residential land uses located on the boundaries of the development site. The terraced houses on Leinster Terrace have their front gardens facing onto Nangor Road on the opposite side of the road from the development site. There would be an approximate 40m separation distance between Leinster Terrace and the front elevation of the apartment building given the set back of the apartment building from the Nangor Road property boundary and the width of the Nangor Road.

The development site abuts the curtilage of Riverside House to the south east and north east. Riverside House is not inhabited and is in an advanced state of decay. There would be a 5m separation distance between the rear property boundary of Riverside House and the front elevation of the apartment building. The front elevation of the apartment building has been designed to minimise overlooking of the rear of Riverside House and screening would be provided to balconies. I consider that there would be no adverse impact on existing residential amenities.

7.34. Vehicular access, car parking and bicycle parking

The appeal statement is accompanied by a revised site layout plan, the alternative design option (P-501 dated Nov. 23 submitted to An Bord Pleanála on the 17 November, 2023), which omits the car parking provision substituting a comprehensive landscape plan for the area between the proposed apartment building and the site boundary on the Nangor Road. The requirement for vehicular access to the car parking area within the grounds of the apartment building would therefore be negated.

The original development proposal incorporated 7 number car parking spaces (2 of the spaces are designed as disabled spaces). The Roads Department of the planning authority acknowledged that reduced car parking comprising the 7 number spaces would be acceptable given that the potential residents of the social housing units would be facilitated by the Dublin Simon Community.

7.35. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) states that availability of car parking has a

critical impact on travel choices for all journeys, including local trips. The Guidelines require a graduated approach to the management of car parking within new residential development. This approach should take account of proximity to urban centres and sustainable transport options, in order to promote more sustainable travel choices.

- 7.36. The Guidelines state that car parking ratios should be reduced at all urban locations and have the potential to be wholly eliminated at locations that have good access to urban services and public transport. SPPR 3 (car parking) defines “Accessible”, “Intermediate” and “Peripheral” locations. An “Accessible” location as defined in the Guidelines is served by a high frequency bus service within 500m at 10 minute intervals at peak. An “Intermediate” location would provide for 15 minute intervals at peak.
- 7.37. The development site is located immediate to the retail core of Clondalkin Village proximate to the Mill Shopping Centre. The site is approximately 300m from the bus stop on Orchard Road serving *inter alia* Dublin Bus routes 13 and W2. These bus routes have a peak hour frequency of between 12-15 minutes. I consider that the development site fulfils the definition of an “Intermediate” and or an “Accessible” location, which has good access to urban services and to public transport.
- 7.38. I further consider that the omission of car parking would be an acceptable design solution in the instance of the proposed development given the central and accessible location of the development site, the town centre zoning, the acknowledgement that the residents of the apartment units to be managed by the Dublin Simon Community will have a reduced car parking requirement and, the requirements of SPPR Objective 3 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) for a graduated approach to the management of car parking within new residential development including elimination of car parking within city centres and urban neighbourhoods in accessible / intermediate locations.
- 7.39. Section Table 12.23 (Minimum Bicycle Parking / Storage Rates) sets out Minimum Bicycle Parking / Storage rates for all new development in the County. Bicycle parking / storage rates are divided into two main categories long term parking and short stay parking. Both categories are applicable providing for resident and general

public bicycle parking. The long term standard is 1 bicycle space per bedroom for residential apartments. The short stay standard is 1 space per two apartments. The long term parking spaces should be located in secure areas while the short stay should be located in highly visible areas that are easy to access.

7.40. The revised site layout plan (P-501 dated Nov. 23 submitted to An Bord Pleanála on the 17 November, 2023) would provide 15 bicycle parking spaces prominently located at the entrance to the development and co-located with the bin store. The proposed bicycling parking provision would quantitatively satisfy development plan standards. However, it is unclear if the bicycle parking area would be covered. This can be dealt with by way of condition.

7.41. Finally, in the matter of the alternative design option, I would advise that if the Board are of the opinion that the revised site layout submitted on the 17th November, 2023 is material to the development as advertised, then the alternative design option drawing can be the subject of a condition of the planning permission if a positive decision is recorded.

7.42. Development contributions

In the matter of the attachment of development contributions to a positive recommendation by way of condition, the South Dublin County Council Section 48 contribution Scheme 2021-2025, Section 11 states the following categories of development will be exempted from the payment of development contributions or may pay a reduced rate. This category includes the exemption of social housing units including those that are provided by an Approved Housing Body or a Voluntary Housing Body. I consider that no contribution should attach in the instance of the proposed development for 10 one-bedroom social housing units.

7.43. Conclusion

The development site is centrally located within Clondalkin Village and accessibly by high frequency public transport. It is proximate to retail and social services. The South Dublin County Development Plan 2022-2028 contains urban consolidation policies and objectives that reflect national and regional compact growth requirements for urban consolidation and for the regeneration / development of vacant and underutilised serviced sites. The South Dublin County Development Plan 2022-2028 targets 92% of population growth to 2028 within the settlement 'Dublin

City and Suburbs' including consolidation of the main urban areas of Tallaght, Clondalkin and Lucan. The subject site is zoned residential and is an acceptable location for infill residential development.

- 7.44. The proposed development would comprise 10 residential units in a purpose built apartment building that would meet with the requirements of the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2000)* and with Section 12.6 (Housing – Residential Development), Apartments, of the South Dublin County Development Plan 2022-2028. Furthermore, the proposed development subject to condition would integrate with the streetscape on the Nangor Road providing an appropriate context, as a transition between the Clondalkin Village Architecture Conservation Area (ACA) and the broader hinterland, and would not have an adverse impact on existing residential amenities.
- 7.45. In the matter of the planning authority reason for refusal, it is considered that it is desirable not to build on the alignment of the culvert channelling the flow from the mill pond to the Camac River that traverses the development site. However, the optimisation of the development potential of the site is not achievable if a set-back is to be provided from the subject culvert alignment. On balance the proposed development is acceptable given the constraints of the development site, the policy objectives to regenerate vacant underutilised urban lands within town centres and the mitigation measures proposed by the appellant.
- 7.46. Finally, it is noted that the planning authority have commenced the preparation of a Local Area Plan for Clondalkin in March 2023. The plan is at a preliminary stage and is not material to this assessment.

7.47. **Appropriate Assessment Screening**

The proposed development comprises an infill apartment building comprising 10 one-bedroom social housing apartment units in an established town centre location.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

8.0 Recommendation

- 8.1. I recommend a grant of planning permission having regard to the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the reasons for refusal, the grounds of appeal, the central and accessible location of the development site within Clondalkin Village, the town centre zoning objective, the policy framework provided by the South Dublin County Development Plan 2022-2028 including urban consolidation objectives for the main urban areas of Tallaght, Clondalkin and Lucan, it is considered that the proposed development subject to condition would provide a reasonable level of accommodation on site, would integrate with the streetscape on the Nangor Road providing an appropriate context, as a transition between the Clondalkin Village Architecture Conservation Area (ACA) and the broader hinterland, would not have an adverse impact on existing residential amenities, would apply the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) and, as such, would be consistent with the proper planning and sustainable development of the area.

10.0 Conditions

1.	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 submitted on the 26th day of September 2023 and by the further plans and particulars received by An Bord Pleanála on the 17th day of November, 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.
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	Reason: In the interest of clarity.
2.	<p>Prior to the commencement of development the developer is requested to submit for the written agreement of the Planning Authority revised elevational and floor plan drawings providing for the following modifications:</p> <ul style="list-style-type: none"> (i) The entrance to the apartment building shall be located as shown on the revised design option site layout plan submitted to An Bord Pleanála on the 17th November, 2023 (Drawing P-501 dated Nov. 23); (ii) The window openings to apartment no. 4 shall revert to the original opening shown on the submitted drawings (Drg. P-005 dated August 2022 submitted to the planning authority on the 1st November, 2022) from the high level opening proposed by way of further information response (Drg. P-005 – Rev. 2 dated Nov. 2023 submitted to the planning authority on the 26th September, 2023); (iii) The bicycle parking area shown on the alternative design option (Drawing P-501 dated Nov. 23) shall provide for covered bicycle parking. <p>Reason: In the interest of residential amenity and in order to support active travel.</p>
3.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The developer shall adhere to the recommendations of the Roads Department of the planning authority.</p>

	<p>Reason: In the interest of road safety and in the interests of orderly development.</p>
6.	<p>All works to historic features on site, including the boundary wall onto the Nangor Road, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.</p> <p>Reason: To ensure that the proposed works are carried out in accordance with best conservation practice.</p>
7.	<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. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In the interests of residential amenity.</p>
8.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity</p>

"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.”

Handwritten signature in black ink, appearing to read 'A. Abbott King'.

Anthony Abbott King
Planning Inspector

15 March 2024