



An
Bord
Pleanála

Inspector's Report

ABP-318921-24

Development

Construction of 138 no. residential apartment units and commercial and retail units at ground floor level and all associated site works. All application documentation and information is available for public viewing at the following website set up by the applicant: www.glenagearygateIrd.ie.

Location

Lands at junction of Sallynoggin Road and Glenageary Avenue and Glenageary Roundabout, Glenageary, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

LRD 23A/0678

Applicant(s)

Red Rock Glenageary Limited

Type of Application

Largescale Residential Development

Planning Authority Decision

Grant permission with conditions

Type of Appeal

Third Party vs Decision

Appellant(s)	S. Groeger N. Coleman D. Flynn and others Bellevue, Glenageary and Rochestown Residents Association
Observer(s)	N. Miller
Date of Site Inspection	12 th March 2024.
Inspector	Phillippa Joyce

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Appendix 1 – EIA Pre-Screening Form

Appendix 2 – EIA Screening Determination Form

1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of Sallynoggin Road and Glenageary Avenue, Glenageary, County Dublin. The site, indicated as measuring 0.74ha, is rectangular in configuration, comprising grasslands and a small area of hardstanding with boundaries of paladin mesh fencing.
- 1.2. The site is presently vacant, as site clearance works (demolition of the Deerhunter public house) were completed under a previous planning permission. The site is an infill site within a wider developed urban block. The area surrounding the site includes a mix of commercial, retail, light industrial and residential land uses.
- 1.3. Adjacent to the north and northwest of the site are 2 storey dwellings (Sallynoggin Villas) and single storey cottages (Sallynoggin Road Lower, Parnell Street and Sarsfield Street). To the southwest and southeast of the site are the Lidl supermarket and the An Post sorting centre. Further to the south of the site are 2 storey dwellings on Glenageary Avenue, a cul de sac. To the east and northeast of the site are the R118 Sally Glen Road, an area of open space adjacent to the Glenageary Roundabout, and a 2-3 storey neighbourhood centre complex.
- 1.4. The site occupies a visually prominent location on the southern side of the Glenageary Roundabout, a notable five-arm junction serving regional roads including the R118 to Dun Laoghaire town centre (c.1.5km to the north). The character of the area is divergent, predominantly with low rise, low density buildings of varying date and architectural styles.

2.0 Proposed Development

- 2.1. The proposed development comprises a new neighbourhood centre with two interconnecting buildings ranging in height from 4 to 7 storeys over basement level. In total, the development comprises 138 apartments, six commercial and retail units, a childcare facility, two residential amenity areas, public and communal open spaces, underground car and cycle parking and plant.
- 2.2. The buildings are referred to as Block A and Block B. Block A (5-6 storeys) is sited along Sallynoggin Road and fronts onto Glenageary Avenue. At ground floor level, are two commercial units (restaurants) and a residential amenity area (gym, activity

room), while 41 apartments are accommodated at first to fifth floor levels. Block B (4-7 storeys) is sited centrally within the site, with an extended frontage along Glenageary Avenue. At ground floor level, are four retail units (clothing, florist, hairdressers, pharmacy), a childcare facility, a residential amenity area (resident lounge, concierge services, co-working space), and 3 apartments. A further 94 apartments are accommodated at first to sixth floor levels. The two buildings are interconnected at second, third and fourth floor levels.

- 2.3. The development proposes a range of open spaces, including public open space in the form of a public plaza at street level between the two buildings with hard and soft landscaping, communal open space including a landscaped area with playground and two roof terraces at fourth floor (southern end of Block B) and fifth floor levels (top of the interconnecting bridge), and private open space including a balcony or terrace for each apartment.
- 2.4. Access to the proposal is from a new vehicular entrance to the basement level from Glenageary Avenue, while pedestrian and cyclist access points are available from Sallynoggin Road and Glenageary Avenue. The basement level comprises parking spaces (80 car spaces, 5 motorcycle spaces, 254 cycle spaces), waste management and plant areas. At street level, are 56 cycle spaces, one set down area on Sallynoggin Road, and two set down areas on Glenageary Avenue.
- 2.5. The proposal also includes all associated site and infrastructural works of water supply, wastewater and surface water drainage (SuDS, attenuation tank, blue roofs), hard and soft landscaping, green roofs, plant areas, photovoltaic panels, boundary treatment, footpaths, public lighting, and electrical services. (Letters of consent are included from Dun Laoghaire County Council and Lidl Ireland for proposed works on footpaths/ roads and for connections to services through third party lands).
- 2.6. The following tables present a summary of the principal characteristics, features, and floor areas of the components of the proposed scheme. These are extrapolated from the application form, plans and particulars with the appeal, and where there have been discrepancies and/ or conflicts in written documents, I have relied on the relevant plan(s) and aligning document.

Table 1: Key Statistics

Site Area	0.74ha
Floor Areas (gross floor spaces)	Total Floor Area = 14,391sqm Residential= 13,132sqm Non-Residential = 1,259sqm (restaurants= 562sqm, retail units= 434sqm, childcare facility= 263sqm)
Residential component	138 apartment units
Net Density	186dph (stated by applicant)
Building Height	Block A= 5-6 storeys (principal heights c.17.45m-20.95m) Block B= 4-7 storeys (principal heights c.14.45m-24.95m)
Aspect	Dual Aspect: 67 (49%)
Open Space	Public: c.1,848sqm plaza area Communal: c.958sqm (c.751sqm landscaped playground area, and c.151sqm and c.56sqm roof terrace areas) Private: gardens and balconies/ terraces of various sqm
Part V provision	Total:14 units
Car Parking	Total: 80 spaces Residential: basement level parking for 78 dedicated spaces (apartments), 2 co-sharing spaces (GoCar) Childcare facility: set down/ drop off area on Glenageary Avenue Visitor: shared use of set down/ loading bay on Glenageary Avenue
Cycle Parking	Total: 310 spaces (stands/ stores) Basement level: 254 spaces Ground floor/ street level: 56 spaces

Table 2: Summary of Residential Unit Mix

Unit Type	1 bed/ 2P	2 bed/ 3P	2 bed/ 4P	3 bed/ 5P	Total
Block A	8	2	17	14	41

Block B	29	4	51	13	97
Total	37	6	68	27	138
% of Total	27%	4%	49%	20%	100%

- 2.7. The application includes a range of architectural, engineering, and landscaping drawings, and is accompanied by a range of reports and supporting documentation (full list in the applicant's Planning Report and Statement of Consistency, pg 9).

3.0 Planning Authority Opinion

- 3.1. A pre-application LRD meeting under section 32C of the Planning and Development Act 2000, as amended (2000 Act) took place on 21st September 2023 between the applicant and the planning authority regarding the proposed development.
- 3.2. The planning authority issued its LRD Opinion on 18th October 2023. The Opinion indicates that the documentation submitted under section 32B of the 2000 Act as part of the pre-application meeting would constitute a reasonable basis for an application for permission for the proposed LRD.
- 3.3. The applicant was notified that in addition to the requirements of section 32D of the 2000 Act, the following information should be addressed/ submitted with any application for permission (in summary):
1. Unit Mix
 2. Height and Massing
 3. Dual Aspect
 4. Balconies
 5. Photomontages/ Design Statement
 6. Materials
 7. Wind./ Comfort/ Amenities
 8. Residential Amenity
 9. Open space and Landscaping
 10. Waste Management

- 11. Environmental Pollution
- 12. Transportation
- 13. Boundaries
- 14. Drainage
- 15. Public Lighting
- 16. Part V Housing
- 17. Market Stalls
- 18. Ecology
- 19. Several reports – including phasing plan, materials and maintenance report, HQA, building lifecycle report, TTA, taking in charge plan, climate action response plan.

3.4. The application includes a Statement of Response from the applicant on the LRD Opinion which includes specific responses to the points of information requested by the planning authority. For the Board's information, a record of the pre-application meeting is included as an appendix in the planning authority's LRD Opinion.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. The planning authority granted permission for the proposed development on 21st December 2023 subject to 56 conditions.

4.1.2. The conditions are standard in nature (construction, operation, procedural, and financial). Those of note and/ or specific to the proposal include the following:

Condition 2: residential amenity spaces and facilities reserved for exclusive use of residents and not sold, sublet, or otherwise used independently.

Conditions 4, 11, and 14: relate to/ require prior to commencement agreement for no plant above roof level, external finishes of buildings, and no satellite dishes or other external telecommunications equipment erected on the front or side elevations of any building fronting onto the public road.

Condition 10: development carried out in accordance with the Phased Development Plan lodged with the application.

Conditions 12-13: relate to/ require prior to commencement agreement for proposed shopfronts and signage, specific use of each of the retail/ commercial units, opening hours of same, and no subdivision of commercial units.

Condition 15: prior to commencement establishment of an Owner's Management Company, details to be provided to the planning authority.

Conditions 16-26 : relate to/ require prior to commencement agreement for downpipes, green roofs, attenuation systems, SuDS measures, flow control devices, Stages 2 and 3 stormwater audits, construction phase protection measures, future maintenance, and landscaping compatible proposals.

Conditions 27-41 : relate to/ require prior to commencement agreement for cycle parking, cycle lift to basement level, reservation line for the R118 6 Year Road Objective, junction and footpath designs as part of the public realm works, EV charging infrastructure, design and construction of the basement car park and ramps, Stages 2 and 3 quality audits, implementation of the Mobility Management Plan, implementation of the Construction & Environmental Management Plan, taking in charge standards (design and construction) for all proposed works on public and internal roads, road opening licences, road markings and signage at entrance, construction phase protection measures, and bus stop upgrade works on the Sallynoggin Road.

Conditions 42-44: relate to/ require prior to commencement agreement for play areas, finishes and materials, access arrangements for residents to communal areas, roof gardens and outdoor area of childcare facility, additional shrub and tree planting, rain gardens, incorporation of SuDS measures, boundary treatments, detailed landscape plans with specification of tree and plant species, standards for soft and hard landscaping, future maintenance, implementation of landscape plans (on agreement of details) to required standards, retention of a Landscape Architect for the lifetime of the works, same to provide a certification inclusive of visual evidence of satisfactory completion of works.

Condition 45: Archaeologist retained to undertake monitoring at the development site, with actions specified in the event of archaeological material/ features shown to be present.

Conditions 46-48, and 51: relate to/ require prior to commencement agreement for construction phase activities related to waste materials, public liaison plan with the retention of a Liaison Officer, and provisions for noise, vibration, and dust monitoring.

Condition 49: relates to the control of/ standards for building services, gymnasium, social areas, mechanical ventilation systems in respect of noise and vibration levels.

4.2. Planning Authority Reports

4.2.1. Planner's Report

The key items of note from the planner's assessment of the proposed development can be summarised as follows:

- Identifies lands subject to 'NC' Neighbourhood Centre zoning objective, with residential, restaurant, café, shop, and childcare uses all permitted in principle.
- Outlines local, regional, and national policy supporting consolidation and intensification of infill/ brownfield sites to provide high density development.
- Accepts the principle of large scale mixed use commercial and residential infill development at the site due to its proximity to quality public transport (DART and bus services).
- Site classified as an 'intermediate urban location' as per the Apartment Guidelines for purposes of assessment (implications for higher density, reduced parking).
- Site occupies a prominent position due to the rising ground levels and on the Sallynoggin roundabout (converge of several roads).
- Positively notes the design of the proposal with two blocks 4 to 7 storeys (c.14.5m to c.24.9m), building heights rising edges to the centre of the site, ground level uses provide for active street frontages, and high quality public realm.

- Residential unit mix satisfies SPPR 1 of the Apartment Guidelines having regard to the HNDA and Table 12.1 of the 2022 CDP (schemes in excess of 50 dwelling units require a maximum 30% of studios/ 1 bedroom units and a minimum 20% of 3 bedroom units).
- Apartments satisfy the minimum floor areas (including for storage areas) specified in SPPR3/ Appendix 1 of the Apartment Guidelines (sections 12.3.5.3 and 12.3.5.5 of the 2022 CDP).
- Accepts the slight shortfall in portion of dual aspect apartments (49% (67 units) as opposed to the required 50% (as per SPPR 4 of the Apartment Guidelines) due to there being no single aspect north facing units and all 3 bedroom units are dual aspect.
- Proposal complies with other applicable SPPRs in the Apartment Guidelines (SPPR 5 floor to ceiling heights, and SPPR 6 units per floor per core) and equivalent 2022 CDP policy.
- Apartments are provided with balconies (lightweight cantilevered balconies with clear glazing) which satisfies minimum floor areas for private amenity space as per Appendix 1 of the Apartment Guidelines (section 12.8.3.3 of the 2022 CDP).
- Reticence expressed regarding the visual impact of and privacy levels for the balconies sited onto the public road/ public realm, but states to be generally satisfied.
- Considers that levels of passive surveillance, public lighting, operational management plan (property manager, day-to-day management, building caretaker, cleaning team, residents only access to roof terraces, restricted opening hours, CCTV for cycle stores) will ensure safe and secure environment.
- Accepts findings of the SSFRA that the site does not flood, and the proposal accords with Appendix 15 of the 2022 CDP.
- Proposal screened out for the need for an AA (as found to not significantly impact upon a Natura 2000 Site) and for an EIA (as no real likelihood of significant effects on the environment are found to arise).

4.2.2. Other Technical Reports

Transportation: FI requested. In the event of a grant of permission, no objection subject to conditions.

Water Services: No objection subject to conditions.

Parks: FI requested. In the event of a grant of permission, no objection subject to conditions.

Environmental Enforcement/ Waste Management: No objection subject to conditions.

Public Lighting: No objection subject to conditions.

Housing: No objection subject to conditions.

4.3. Prescribed Bodies

Environmental Health Office: No objection subject to conditions.

Uisce Eireann: No report received (Confirmations of Feasibility for water supply and wastewater treatment included in the Infrastructure Report of the application).

4.4. Third Party Observations

- 4.4.1. The planning authority indicates that 26 submissions were received from third party observers during the assessment of the application. Issues raised in the third party submissions continue to form the basis of the appeal (inadequate on-site car parking, unacceptable access arrangements, excessive traffic in local road network, adverse visual impact, overshadowing, overlooking, loss of residential amenity, noise nuisance, impacts of construction activity), which are outlined in detail in Section 7.0 below.

5.0 Planning History

Appeal Site

PA Ref. LRD 23A/0303

LRD application for 140 apartments, commercial floorspace (two restaurants, retail and services units) and a childcare facility with basement level parking, in two blocks ranging in height from 5 to 7 storeys, and all associated site works was deemed withdrawn by the applicant on 12th September 2023 (non-response to FI request).

ABP 312321-21, SHD Application

Permission was refused to the applicant on 25th April 2022 for 147 BTR apartments, six commercial units and a childcare facility with basement level parking, in four blocks ranging in height from 5 to 9 storeys, public realm works, and all site works.

Permission was refused for two reasons, both related to substandard design and layout and the resultant poor public realm, and poor connection with the receiving area. The proposal was found firstly to be contrary to the NC Neighbourhood Centre zoning objective at the site and the design criteria of the Sustainable Residential Development Guidelines (12 criteria in the Urban Design Manual), and secondly to be contrary to SPPR 3 (3.2 criteria for town and streetscape level) of the Building Height Guidelines.

Part of Appeal Site

PA Ref. D14A/0865/E

Extension of duration for PA Ref. D14A/0865 granted until 14/01/2026.

PL06D.244904, PA Ref. D14A/0865

Permission granted on appeal to Edward Lyons (Statutory Asset Receiver of Frank Gilmer) for development comprising a retirement home, pharmacy and cafe/restaurant in Block A, medical centre in Block B, supermarket with off-licence in Block C, widening of access onto Sallynoggin Road.

This permission has been part implemented with the supermarket (Lidl) constructed and operational. The appeal site comprises the areas of the permitted retirement home and commercial uses.

6.0 Policy Context

- 6.1. Having considered the nature of the proposed development, the receiving environment, decision of the planning authority, the appeal and observations, I

consider the following policy and guidance to be of relevance to the determination of the appeal.

6.2. National Planning Context

National Planning Framework, Project Ireland 2040 (NPF)

- 6.2.1. A number of overarching national policy objectives (NPOs) are identified relating to targeted future growth in appropriate locations in Dublin City and suburbs. The appeal site is located within the boundary of the 'Dublin City and suburbs' area which is identified for consolidated future growth in the NPF.
- 6.2.2. NPOs for appropriately located and scaled residential growth in the Dublin area include:
- NPO 2a: A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.
 - NPO 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
 - NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
 - NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
 - NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
 - NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Section 28 Ministerial Planning Guidelines

6.2.3. Several national planning guidelines are applicable to the proposed development (increased residential densities and building heights at certain types of locations, achievement of certain standards for apartment development). The relevant guidelines include the following (my abbreviation in brackets):

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, (Sustainable Residential Development Guidelines). Applicable policy includes:
 - Section 3.3: contains Table 3.1 which defines categories of urban areas within the 'City'. 'City – Suburban' is described as comprising low density car orientated residential areas constructed at the edge of Dublin in the latter half of the 20th and early 21st century. For such locations, the guidelines state that densities in the range of 40dph-80dph should be applied and that densities up to 150dph are to be open for consideration at 'accessible' City – Suburban locations.
 - Section 3.4: outlines a two-step density refining process, based firstly on a determination of accessibility (as per definitions in Table 3.8) and secondly on criteria (impacts on character, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water services capacity).
 - Section 3.4: contains Policy and Objective 3.1 which requires the recommended density ranges set out in Section 3.3 are applied in the consideration of individual planning applications, and that these density ranges are refined further, where appropriate, using the criteria set out in Section 3.4.
 - Section 4.4: contains Policy and Objective 4.1 which requires the implementation of principles, approaches and standards in the Design Manual for Urban Roads and Streets, 2013, including updates (DMURS).
 - Section 5.3: includes achievement of housing standards as follows:
 - **SPPR 1 – Separation Distances** which requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of apartment units above ground floor level.

- **SPPR 2 – Minimum Private Open Space** (new standards for houses) private open space for apartments remains as per the Apartment Guidelines.
- **Policy and Objective 5.1** which requires a public open space provision of between 10%-15% of net site area.
- **SPPR 3 – Car Parking** which restricts the maximum rate of car parking provision for residential development in accessible locations to 1.5 no. spaces per dwelling (exclusive of visitor spaces).
- **SPPR 4 – Cycle Parking and Storage** which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
- **Section 5.3.7 – Daylight** indicates that a detailed technical assessment is not required in all cases, regard should be had to standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, July 2023 (Apartment Guidelines).
Applicable policy includes:
 - Section 2.4 defines accessible urban locations as those within 5 minutes or 400m-500m walking distance to/ from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.
 - Section 2.4 identifies accessible urban locations as being suitable for large-scale high density apartment developments (no upper density range is specified, and the minimum density for the next lower tier is indicated as 45dph).
 - **SPPR 1** specifies that apartment schemes can contain up to 50% 1 bedroom apartments and no minimum % of 3 bedroom apartments unless otherwise indicated in a CDP HNDA.

- Standards and requirements of **SPPR 3** (minimum floor, storage, private open space areas for 1-3 bedroom units), **SPPR 4** (33% to be dual aspect units in accessible urban areas), **SPPR 5** (minimum 2.7m requirement for ground level floor to ceiling height), and **SPPR 6** (maximum of 12 apartments per floor level per core).
- Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018 (Building Height Guidelines). Applicable to the proposed development includes:
 - Section 1.9 requires building heights of at least 3 to 4 storeys, coupled with appropriate density, in locations outside city and town centre areas to be supported in principle at development management level.
 - SPPR 4 requires:

It is a specific planning policy requirement that in planning the future development of ... edge of city...locations for housing purposes, planning authorities must secure:

 - 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;*
 - 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*
 - 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.*
- Childcare Facilities, Guidelines for Planning Authorities, 2001 (Childcare Guidelines).
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines).
- Development Management, Guidelines for Planning Authorities, 2007 (Development Management Guidelines).

6.3. Regional Planning Context

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

6.3.1. The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) covering Dublin City and suburbs, which the appeal site is located within. The MASP identifies the 'City Centre within the M50' as a Strategic Development Area/ Corridor. Accordingly, a number of regional policy objectives are applicable to the proposed development, including:

- Development Policy for the 'City Centre within the M50' focuses on the processes of regeneration, redevelopment, and consolidation of older residential, industrial and underutilised lands.
- In Table 5.1 Strategic Development Areas and Corridors, the City Centre within the M50 area is identified as having a population capacity total of 60,000 persons (in the short term of 35,000, increasing by 10,000 in the medium term, and increasing by 15,000 in the long term).
- RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, increasing walking, cycling and public transport use, and creating safe environments for pedestrians and cyclists.
- RPO 5.4: Future development of strategic residential development areas within the MASP shall provide for higher densities and qualitative standards as set out in the Sustainable Residential Development Guidelines, the Apartments Guidelines, and the Building Heights Guidelines.
- RPO 5.5: Future residential development supporting the right housing and tenure mix within the MASP shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns.

6.4. Local Planning Context

Dún Laoghaire Rathdown County Development Plan 2022-2028 (2022 CDP)

6.4.1. The relevant 2022 CDP map-based designations include:

- Zoned as Objective 'NC' Neighbourhood Centre which seeks to 'To protect, provide for and/ or improve mixed-use neighbourhood centre facilities'.
- Within boundary subject to Specific Local Objective 65: To prepare a Local Area Plan for Sallynoggin.
- A '6 Year Road Objective/ Traffic Management/ Active Travel Upgrade' designation applies to Glenageary Avenue/ Sally Glen Road adjacent to the eastern/ southeastern site boundary.
- Core Bus Corridor routes (i.e., BusConnects Core Bus Corridor Schemes) are on the Stillorgan Road N11 (c.2km due south of the site) and Frascati Road N31 (c.2.8km due west).
- There are no architectural heritage (ACA, protected structures, archaeological monuments), natural heritage (biodiversity, green infrastructure), or landscape (views) designations at/ pertaining to the site.

6.4.2. The applicable 2022 CDP policy, objectives, and standards are:

- Chapter 4 Neighbourhood: People, Homes and Place outlines policy for increasing the supply of quality residential development in an appropriate manner:
 - Section 4.3.1.1, Policy Objective PHP18: Residential Density – increase housing supply, encourage higher residential densities, and promote urban growth through consolidation and intensification of infill sites.
 - Section 4.3.1.3, Policy Objective PHP20: Protection of Existing Residential Amenity – infill developments of greater density and building height to adjacent residential areas required to protect existing residential amenity through appropriate design and siting.
 - Section 4.3.2.3, Policy Objective PHP27: Housing Mix – create sustainable residential communities by providing a wide variety of housing and apartment types, sizes, and tenures.
 - Section 4.4.1.8, Policy Objective PHP42: Building Design and Height – encourage high quality design and compliance with the Building Height Strategy in new developments.

- Chapter 7 Towns, Villages and Retail Development outlines policy for appropriately designed, scaled and mixed use developments in neighbourhood centres:
 - Section 7.2.3.1, Policy Objective MFC1: Multifunctional Centres – embrace and support the development of the County’s Major Town Centres, District Centres and Neighbourhood Centres as multifunctional centres which provide a variety of uses that meet the needs of the community they serve.
 - Section 7.5.4.1, Policy Objective RET7: Neighbourhood Centres – develop these centres as the focal point for communities and neighbourhoods through an appropriate mix, range, and type of uses subject to the protection of the residential amenities of the surrounding area.
 - Section 7.5.4.1 states the function of neighbourhood centres is to provide a range of retail outlets and services within walking distance for the local catchment population, and that new residential uses may be suitable.
- Chapter 12 Development Management contains requirements for new development and redevelopment proposals:
 - Section 12.3.1.1, Design Criteria – comply with national planning guidance, land use zoning, policy objectives, and numerous urban design standards.
 - Section 12.3.3.1, Residential Size and Mix and Table 12.1 – ensure new developments have an appropriate mix of units, including a proportion of larger units (for proposals with 50 + units (such as the appeal case) a maximum of 80% of studio, 1 and/ or 2 bedroom units and a minimum of 20% 3 bedroom + units is required).
 - Section 12.3.5, Apartment Development – numerous qualitative and quantitative standards for design, size, floor areas, room proportions, storage, private open space.
 - Section 12.3.7.9, Living-Over-The-Shop – facilitate such developments that contribute to the renewal of areas (deviations from normal standards may be given for private open space, parking, and unit size standards).

- Section 12.4.5.1, Parking Zones – accord with parking standards for relevant zones outlined in Table 12.5 (appeal site is located in Zone 3, various standard/ maximum requirements dependant on land use, deviations possible for brownfield sites in neighbourhood centres).
- Section 12.4.5.2, Application of Standards – deviations from car parking standards in Table 12.5 are possible (including for neighbourhood centres in Zone 3, such as the appeal site) subject to assessment against several stated criteria.
- Section 12.4.5.6, Residential Parking – resident and visitor parking in apartment schemes to be differentiated, spaces not to be sold separately, and all managed by a management company.
- Section 12.6.1, Assessment of Development Proposals in Towns, District and Neighbourhood Centres – scale and mix of proposal to accord with the role and function of the centre, focus on high quality design and public realm improvements, and an inclusion of a residential element.
- Section 12.8.3, Open Space Quantity for Residential Development – public open space (15% of site area) and communal open space (5sqm-9sqm, based on unit size) required.
- Chapter 13 Land Use Zoning Objectives outlines policy for transitional zones and permissible uses classes:
 - Section 13.1.2, Transitional Zonal Areas – avoid abrupt transitions in scale and use at the boundaries of adjoining land use zones, necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone, in zones abutting ‘residential areas’ particular attention must be paid to the use, scale and density of development proposals in order to protect the amenities of these residential properties.
 - Use classes of childcare service, residential, restaurant, and shop-neighbourhood are permitted in principle under the NC zoning objective.

6.4.3. Appendix 5: Building Height Strategy outlines the policy approach to building height in different locations of the county (the appeal site is located in an area referred to as 'Local Plan Area and SDZ Boundaries').

- Section 4.2.11 – Forthcoming Local Plans/ Other – appeal site is located within the boundary for which the Sallynoggin Local Area Plan will be prepared. The LAP will be prepared in accordance with the Building Height Guidelines.
- Proposals for 'increased height' and/ or 'taller buildings' are required to be assessed against the performance-based criteria in Table 5.1.
- 'Increased height' is defined as buildings taller than the prevailing building height in the surrounding area, and 'taller buildings' are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area.

6.5. Natural Heritage Designations

6.5.1. The appeal site is not located in or immediately adjacent to a European site, a Natural Heritage Area (NHA) or a proposed NHA. There are no watercourses at or adjacent to the site.

6.5.2. The European site designations in proximity to the appeal site include (measured at closest proximity):

- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is c.2.1km to the northwest.
- South Dublin Bay SAC (site code 000210) is c.2.3km to the northwest.
- Dalkey Islands SPA (site code 004172) is c.2.8km to the east.
- Rockabill to Dalkey Island SAC (site code 003000) is c.3.1km to the east.
- North-West Irish Sea SPA (site code 004236) is c.7.3km to the north.
- North Bull Island SPA (site code 004006) is c.7.36km to the northwest.
- North Dublin Bay SAC (site code 000206) is c.7.36km to the northwest.

6.5.3. There are pNHA designations that align/ crossover with European site designations above, including the:

- Dalkey Coastal Zone and Killiney Hill pNHA (site code: 001206) is c.1.7km to the southeast/ east (most proximate point).
- South Dublin Bay pNHA (site code 000210) is c.2.1km to the northwest.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. Four third party appeals have been received on the application (including one appeal made on behalf of 22 named persons) with appellants' addresses indicated in the surrounding area (including Glenageary Avenue, Glenageary Park, Parnell Street, Sarsfield Street, Laurel Hill, Sallynoggin Villas, Pearse Gardens, and Greythorn Park). The main issues raised can be summarised under the following headings:

Planning History

- Enormous amount of development in Glenageary area in recent years (+2,500 new homes).
- Proposed development not materially different to previous planning history (SHD application refused, and another LRD application withdrawn).
- Refusal reasons of the SHD application remain applicable.

Nature of the Development

- Inappropriate form of development on NC zoned lands which is contrary to 2022 CDP NC zoning objective.
- Poor form of neighbourhood centre which is contrary to Policy Objectives MFC1 and RET7 (significant imbalance between the residential and commercial provision, poorly sited retail units, poor links through the open space).
- Sufficient retail and services in the surrounding area.

Density of the Development

- Density is excessive, out of proportion for the area.
- Too many residents, impact too intensive on resources.

- Overdevelopment of the site.

Design and Height of the Development

- Proposed development is too high, CDP indicates buildings should be 3-4 storeys yet proposed blocks are between 4 and 7 storeys.
- Significant area of the public realm/ open spaces provided that are not well designed, nor with high quality finishes, materials, or landscaping.
- Enormous size and proportion of the proposal will overwhelm the immediate locale, particular residences on Glenageary Avenue and Sallynoggin Road.
- Excessive building height with no precedent for such tall buildings in the area.
- Design wholly out of character with area which comprises low rise residential of modest scale.
- Proposal results in an abrupt transition in scale.
- Scale and height of the proposal cause it to be contrary to SPPR 3 of the Building Height Guidelines.
- Incongruous feature in the streetscape, contrary to 2022 CDP policy in section 13.1.2.
- Submits that 2022 CDP Policy Objective BHS3 applies to the site (promotes 3 to 4 storeys and only if existing amenities and character of area are protected).
- Proposed heights do not respect the scale and form of properties around the site (namely single storey cottages on Sallynoggin Road, Parnell Street and Sarsfield Street).
- Visually obtrusive development.

Traffic and Transportation

- Proposal stated as requiring 191 parking spaces. Acknowledges the 2022 CDP car parking standards are a maximum but that finds the provision of a stated 84 spaces in total represents an under provision of 100+ spaces which is difficult to justify.

- Lack of car parking provided on-site will cause a spillover of parking into neighbouring streets, namely Parnell Street and Glenageary Avenue.
- No provision made for staff, visitors, commercial, or retail parking/ drop offs.
- Other uses (education, retail, enterprise) in area creating/ requiring extras traffic movements.
- Communities being divided due to resultant traffic effects.
- Concerns for traffic impacts on Glenageary roundabout and safe movements for emergency vehicles.
- Proposal focuses on cycle parking provision indicating a high volume of cyclist movements yet inadequate cyclist infrastructure on roads and unsafe sharing space with pedestrians.
- Proposed new vehicular access point to the underground car park cannot possibly be safe.
- Entrance is not in compliance with DMURS and will inevitably be a traffic hazard for all road users.
- Location of new entrance will have a detrimental impact (safety, noise, inconvenience) on residents on Glenageary Avenue (adjacent to the south) which is too narrow and currently experiences excessive on-street car parking.
- Refuse vehicles will have to reverse down Glenageary Avenue.
- Other entry points should be considered, e.g., the existing entrance (further to the north) or via the Lidl entrance (southwest).
- Area is a poor traffic environment, unsafe with records of collisions, which the proposal will exacerbate.
- Public transport is at capacity and area has poor cycling infrastructure, so people living in/ visiting the proposal will drive and park on neighbouring streets.

Residential Amenity

- Amenity of adjacent residences seriously injured because of overlooking, loss of privacy, overbearance, and overshadowing.
- Proposal is contrary to 2022 CDP Policy Objective PHP20 (protects existing residential amenity adjacent to higher density, greater height infill developments).
- Nuisance from construction activities.
- Noise pollution and anti-social behaviour associated with use of roof-top gardens.
- Noise pollution associated with increased traffic flows and echo effects of high occupancy buildings which are in close proximity.

Processing of the Application

- No LAP for Sallynoggin has resulted in ad hoc planning applications, and proposal is therefore premature.
- Criticism of the planning authority's processing of the application (no addressing of residents' concerns, unusual haste in decision making, granting subject to generic conditions, conditions require agreement with the planning authority thereby excluding the appellants/ third parties).
- Criticism of the Transportation Department for change in opinion to previous schemes (location of entrance, safety issues) and accepting the proposed access arrangements.
- Validity issues due to entries in the application form (retention permission option chosen on application form).
- Inadequate EIAR and AA screenings undertaken by planning authority based on inadequate information provided by the applicant (e.g., cumulative impacts in EIA screening report and bird surveys in AA screening report).

7.2. Applicant Response

- 7.2.1. The applicant has responded to the appeal grounds, a summary of the key issues is as follows:

Planning History

- Outlines the way in which the SHD application refusal reasons have been addressed.
- For Reason 1, includes analysis of the applicable criteria from the 2009 Urban Design Manual: context, distinctiveness, layout, public realm, and detailed design (and reference to the remaining criteria).
- For Reason 2, includes analysis in accordance with SPPR 3 of the 'scale of' tests (section 3.2) from the Building Height Guidelines.

Nature of the Development

- Proposal and proposed uses are compliant with and permitted in principle in the NC zoning objective.
- Uses will support and enhance the neighbourhood centre designation.
- Proposal will appropriately complete an active commercial frontage from Lidl to the Glenageary Roundabout.

Density of the Development

- Density of scheme is indicated as 186 units/ha.
- Density is appropriate given the national policy context for higher densities at intermediate urban locations, and factors such as accessibility to public transport.
- Site is in a 'City – Urban Neighbourhood' location as per the definitions in the Sustainable Residential Development Guidelines 2024 (i.e., a medium density residential neighbourhood).
- Proposed density complies with the density range of 50-250 dph for such locations.
- Complies with 2022 CDP Policy Objective PHP18 on maximising the use of zoned and serviced lands.

Design and Height of the Development

- Building heights of 4 to 7 storeys are appropriate having regard to national policy context and guidelines.

- Proposal responds to its surroundings by gradually increasing in height from 4 to 7 storeys in a stepped approach from prevailing heights at perimeter.
- Massing and scale of the buildings are broken up to create visual interest along streetscapes and from the public realm.
- Increased height will appropriately create focal point at the Glenageary Roundabout.
- Proposed height, scale and massing can be well-absorbed into the character of the surrounding area.
- Rejects claims that the proposal will detract from the visual amenities of the area.
- Planning authority undertook the performance based test for buildings of height (2022 CDP Table 5.1, Appendix 5: Building Height Strategy), and the proposal was found to be compliant with same.
- Sufficient separation distances are provided to surrounding developments (c.22m to northwest residences, c.33m to southern residences, c.26m to Lidl) and within the proposal (c.21 between blocks) to avoid overdevelopment of the site and avoid negative impacts from same (overlooking, overshadowing, overbearance).
- Refutes claims that the public realm is poorly designed, and not of exceptional quality. Public realm area, with hard and soft landscaping, will be vibrant, multi-functional, distinctive, and a positive contribution to the neighbourhood centre.

Traffic and Transportation

- Acknowledges the on-site parking provision is less than the CDP maximum requirement but refers to the flexibility in section 12.4.5.2 which allows for a deviation.
- Refers to the justification provided in the Traffic and Transport Assessment (TTA) report: inclusive of proximity to high frequency public transport (Bus Connects, DART), walking distances to several facilities and services.
- States car parking requirement for the proposal is 157 spaces.

- In addition to 80 car parking spaces at basement level, at surface level are set down/ loading bay areas on the Sallynoggin Road and Glenageary Avenue inclusive of 1 accessible parking space and 2 visitor spaces.
- Included in the 80 basement parking spaces are 2 car sharing spaces which are the equivalent of 30 private car spaces.
- Transportation Planning Department considered the parking provision to be acceptable.
- Claims of excessive and dangerous traffic generation are refuted, with reference made to the findings of the TTA report (based on modelling and junction analysis) which finds no junction upgrades required. Appellants have not provided any evidence to counter.
- Claims that the proposed access arrangement is inadequate are refuted, with reference made to the modelling in the TTA which concludes the junction will not negatively impact on the surrounding road network.
- Claims the basement entrance/ internal road layout is not DMURS compliant are unsupported and unjustified.
- Visibility splays are indicated on particulars and accepted by the Transportation Planning Department.
- Applicant has provided evidence that access via lands under Lidl's control is not possible.
- Refuse waste collection vehicles will travel along Glenageary Avenue in the same manner such vehicles do presently to service the residences (i.e., vehicles turn in the cul-de-sac's turning head).

Residential Amenity

- Refutes claims of overlooking (adequate separation distances), overbearance (stepping up approach to building height), and overshadowing (refers to the Daylight and Shadow analysis) due to the design, scale, and siting of the proposed development.

- Refutes claims of noise pollution as noise and vibration impacts have been considered and addressed in the NVA report (no significant noise impact anticipated).
- Noise from increased traffic will be imperceptible, from roof terraces not anticipated to cause significant impacts as access to/ use of such areas will be managed.
- Total open spaces comprise 37% of the site (public plaza, communal open spaces, enclosed playground) contributing to the residential amenity of future residents.

Processing of the Application

- Proposal is not premature pending the Sallynoggin LAP due to national, regional, local planning context, and for which the planning authority has not indicated a timeline (refers to section 7.16.1 of the Development Management Guidelines).
- Adequate information has been provided in the EIA Screening Report (as per Schedule 7A of the 2001 Regulations) to allow the competent authority to make a determination on the requirement for an EIA.
- Adequate information has been provided in the AA Screening Report in respect of bird surveys (two birds surveys undertaken including most recently in January 2023, the optimal season for wintering birds), any criticism is without consequence as there is no suitable habitat at the site for bird nesting, and without any evidence to the counter.

7.3. Planning Authority Response

- 7.3.1. Response states the appeal does not raise any new matter which would justify a change in attitude to the proposed development.

7.4. Observations

- 7.4.1. One observation has been made on the appeal. The issues raised are similar to those raised in the appeal grounds, including on community impact (overlooking and loss of privacy, excessive scale and building height, overdevelopment, substandard and unsuitable accommodation, overspill parking), traffic impact (dangerous increase

in traffic levels, restrictions for emergency and services vehicles accessing the area), and environmental impact (loss of green space, reduced wildlife, erosion and soil degradation through the construction process, urban heat island effect).

7.5. Further Responses

7.5.1. No further responses received on the case file.

8.0 Planning Assessment

8.1. Introduction

8.1.1. Having examined the appeal details and all other documentation on the case file, inspected the site, and had regard to the relevant national, regional, and local policies and guidance, I consider that the main issues in the appeal to be as follows:

- Neighbourhood Centre
- Residential Density
- Design, Layout and Public Realm
- Building Height and Visual Amenity
- Residential Amenity
- Traffic, Access and Parking
- Water Services and Utilities
- Other Matters

I propose to address each item in turn below.

8.1.2. In respect of the proposed development, I have carried out a screening for Appropriate Assessment (AA) and a screening determination for Environmental Impact Assessment (EIA) which are presented in sections 9.0 and 10.0 below.

8.2. Neighbourhood Centre

8.2.1. Appeal grounds include that the proposal is contrary to the 'NC' Neighbourhood Centre zoning objective, the proposed uses are unbalanced and floorspaces disproportionate (overly dominated by residential), the retailing provision is unsuitable (retail format and siting in the scheme), and CDP policy relating to

neighbourhood centres is not complied with, namely Policy Objectives MFC1 and RET7. Related are the appeal grounds that the proposal is premature pending the preparation of the Local Area Plan for Sallynoggin and resulting in ad hoc development. I address the substantive issues below.

Proposed Uses and Quantum of Floorspace

- 8.2.2. Of the proposed uses, the NC zoning objective seeks ‘To protect, provide for and/ or improve mixed-use neighbourhood centre facilities’ and the use classes of residential, restaurant, retail, and childcare services are permitted in principle. As such, subject to normal planning considerations, the uses are all acceptable, and indeed necessary in respect of the residential component and the childcare facility.
- 8.2.3. Of objections to the quantum of floorspace of the different uses, I acknowledge the concerns raised by appellants. I have calculated the residential and non-residential floorspace in the proposed development (see Table 3 below). My calculations are based on information provided in the case file (gross floor areas (GFA) in the applicant’s Schedule of Accommodation). I calculate that the residential floorspace is c.91.25% of the overall GFA, with non-residential floorspace comprising c.8.75%. As the majority of the proposal comprises residential floorspace, I consider that these proportions could be better balanced and that more commercial, retail, or professional service uses would have been preferable having regard to the underlying NC zoning objective.

Table 3: Floorspace in the Proposed Development

Net site area	0.74ha
Overall GFA	14,391sqm
Block A	(4,644sqm)
Block B	(9,747sqm)
Ground Floor Level GFA	2,389sqm
Block A	797sqm
Block B	1,592sqm
Residential GFA	13,132sqm
Block A	(4,082sqm)

Block B	(9,050sqm)
Non-residential GFA	1,259sqm
Block A	(562sqm)
Block B	(697sqm)
% of Residential GFA	91.25%
% of Non-Residential GFA	8.25%
% Non-Residential of Ground Floor Level	c.53%

- 8.2.4. I concur with the appellants and find the quantum of residential floorspace to be disproportionate compared with the other proposed uses and to be excessive for this neighbourhood centre location. As is discussed in the following sections, I recommend that, in the event of a grant of permission, revisions are made to the proposed development by condition to address several planning issues (excessive residential density, inappropriate building height, substandard future residential amenity). The revisions are also required to balance the quantum of floorspace more appropriately between the mix of uses. The recommended revisions (see Table 4 below) include an increase in non-residential floorspace (achieved through a change of use from residential to retail at ground floor level of Block B) and a reduction in overall residential floorspace (achieved through the omission of the third floor level in Block A, and of the third, fifth (partial), and sixth floor levels in Block B).
- 8.2.5. The non-residential floorspace is provided at the ground floor levels of Blocks A and B. While a relatively low percentage of the overall GFA, the area dedicated to these uses is (a more notable) c.53% of the ground floor level GFA. Subject to the recommended revisions to the ground floor level of Block B, I calculate that the proportion of non-residential floorspace increases to c.60% of the ground floor level of the scheme.
- 8.2.6. On balance, I consider the proposed uses and quantum of floorspace (subject to revision) to be acceptable. The floorspace at ground floor level in Blocks A and B is dedicated to either publicly accessible commercial (restaurant, retail, childcare service) uses or communal residential services, with private residential floorspace or communal open space at the upper floor levels. Such an arrangement appropriately ensures the necessary creation of active street frontages and a successful public

realm within the scheme. This arrangement also facilitates the conventional and sustainable living over the shop concept, thereby complying with 2022 CDP Section 12.3.7.9 on same.

Type and Scale of Retail Units

- 8.2.7. Of objections to the type and/ or scale of the retail units, I am satisfied that the proposed retail units (measuring c.66sqm-142sqm, positioned at ground floor level of Block B, accessible from perimeter streets/ central public plaza) come within the 2022 CDP definition of 'shop – neighbourhood' (i.e., 'one which primarily serves a local community and does not generally attract business from outside that community. They will primarily serve a 'walk-in' population and will typically have limited carparking').
- 8.2.8. I do not agree with the appellants' criticisms of the type of retail offer, as conversely, I find that the retail format (several small to medium sized retail units) will complement the existing retail offer in the area (adjacent neighbourhood centre units at the Glenageary Roundabout), not compete with, or result in an oversupply of same. I recommend a change of use of residential to retail floorspace at the ground floor level of Block B through the omission of 3 apartments (Units B1-0.01, B1-0.02, and B2-0.01 with a combined floorspace of c.179sqm) and the repurposing of the released floor area as retail floorspace in additional or enlarged retail units from those proposed (in a configuration to be agreed with the planning authority). Positively, I consider that the proposal will provide modern retailing floorspace in an appropriate format (i.e., a scale that would not attract shoppers necessarily needing a vehicle), and this will also be the case for the additional/ enlarged retail units arising from the recommended revision of Block B.
- 8.2.9. In the interests of clarity for the Board, while I consider that the commercial offer in the proposal should have included professional service units, as the applicant has proposed that the units serve a retailing use, I recommend this be conditioned. Any potential change of use of the retail units (e.g., as may be preferable arising from the configuration of the increased floorspace and access to the street/ public realm) would be more appropriately subject of a future application.

Development Plan Policy on Neighbourhood Centres

- 8.2.10. Of appeal grounds that the proposed development is contrary to 2022 CDP policy on neighbourhood centres, I do not concur. I find that the proposal complies with the overriding strategy for new developments in neighbourhood centres contained within Policy Objective MFC1: Multifunctional Centres, Policy Objective RET7: Neighbourhood Centres, and Section 12.6.1, Assessment of Development Proposals in Towns, District and Neighbourhood Centres (see section 6.4 of this report above).
- 8.2.11. The proposal (subject to revision) provides for a sufficient variety of uses that will meet the needs of the community it serves, with a new public realm, services (a childcare facility) and restaurant/ café facilities to balance the retail and residential provision. The proposal is easily accessible, within walking distance for the local catchment population, incorporating public realm improvements of a high-quality design. Specific to Policy Objective RET7, I note that the appeal grounds focus on the requirement in the objective to protect the residential amenities of the area. As is discussed in section 8.6 below, I find that the proposed development (as revised) will not cause an undue impact on the amenities of existing residences, and that the proposal will serve as a focal point for the neighbourhood, both for existing members of the community and future members.
- 8.2.12. In the event of a grant of permission, I recommend that conditions be attached in respect of the change of use of residential to retail floorspace, the reconfiguration of the retail units (with final planning authority agreement), the use of the retail units to that of the legislative definition of 'shop', final agreement on shopfront design, signage, lighting, and waste management arrangements for each retail unit, and for the other commercial units (restaurants and the childcare service).

Premature Development

- 8.2.13. Of appeal grounds that the proposed development is premature resulting in ad hoc development, I note that the site is included within the boundary subject to Local Objective 65 which commits to the preparation of a Local Area Plan for Sallynoggin. However, the planning authority has not raised the issue of prematurity or indicated when the LAP would be prepared (e.g., in its decision or appeal response). As such, I concur with the applicant and note the provision in the Development Management Guidelines (Section 7.16.1) regarding the unreasonableness of a refusal of

permission on prematurity grounds when there is no realistic prospect of a local area plan being completed within a stated time frame.

- 8.2.14. Notwithstanding, however, I highlight to the Board that I do not consider the proposal to be ad hoc or piecemeal as the site is zoned and serviced, the proposal is an infill development on a brownfield site within a wider developed urban block, and I consider that good urban design principles are evident in the layout and positioning of the proposed buildings whereby connections and linkages to the existing public streets are created and/ or maintained.

Conclusion

- 8.2.15. In conclusion, I am satisfied that the proposal (subject to revision) is an appropriate form of development for this neighbourhood centre location, includes an acceptable quantum of non-residential and residential floorspace, features several positive components in the ground floor design and layout (mix of uses, active street frontages, and public realm), complies with applicable 2022 CDP policy on zoning and use classes, and policy objectives relating to neighbourhood centres.

8.3. Residential Density

- 8.3.1. Appeal grounds and observation issues include that the density of the proposed development is excessive with adverse implications for the character of the area and infrastructural services in the area (increased traffic generation and demands on parking and water services). In the case documentation, the applicant indicates the density of the scheme is 186dph, while the planning authority's report indicates the scheme has a density of 189uph.

Sustainable Residential Development Guidelines, 2024

- 8.3.2. Between when the application was decided by the planning authority (21st December 2023) and when the appeals were lodged with the Board (24th-26th January 2024) and appeal responses were received by the Board from the applicant and planning authority, I highlight that the updated Sustainable Residential Development Guidelines came into effect. The guidelines include a new policy and objective on residential density (Policy and Objective 3.1) and mandatory standards on residential development (SPPRs 1-4 on separation distances, private open space, car, and cycle parking) (cited in section 6.2 of this report above). The provisions of the

guidelines on these matters now supercede similar policies/ standards in other national planning guidelines and the 2022 CDP.

- 8.3.3. Policy and Objective 3.1 of the guidelines require a two-step refining process for residential density. Firstly, a site is categorised according to its 'City' location (as per definitions in Table 3.1 of the guidelines) and its level of accessibility (as per definitions in Table 3.8) which determine an appropriate density range. Secondly, site-specific analysis is undertaken to further refine the residential density acceptable for the site. Appendix B of the guidelines outlines how the net residential density of a mixed-use scheme should be calculated.
- 8.3.4. In the appeal response, the applicant submits the site is in the category of 'City – Urban Neighbourhood' due to its being a medium density residential neighbourhood with a large variety of land uses in the immediate vicinity and is within walking distance to urban public transport services. As this category allows a density range of 50-250dph, the proposed density of 186dph is stated as being acceptable. For the reasons set out below, I do not concur with the applicant's categorisation of City location or with the stated density of the scheme. Also, I highlight to the Board that the planning authority's appeal response did not provide a position on any of the implications of the new guidelines, including that of an appropriate density for the site.

Refining Residential Density: Steps 1 and 2

- 8.3.5. I have undertaken the two-step density refining process required by Policy and Objective 3.1. In the first part of Step 1, I identify the site (as per definitions in Table 3.1) as being located within the category of 'City – Suburban'. I consider the site's location aligns with the stated description of this category as comprising 'low density car orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century'. For such locations, the guidelines state that densities in the range of 40dph-80dph shall be applied, and that densities up to 150dph shall be open for consideration at 'accessible' suburban locations (as defined in Table 3.8).
- 8.3.6. In the second part of Step 1, I have considered the accessibility of the site with regard to the range and frequency of existing and planned public transport options in the vicinity of the site. Straightforwardly, the site qualifies as an 'intermediate

location' as the site is within 1km walking distance to existing bus stops on Kill Avenue which serve the high frequency 46A bus route (7-8-minute peak hour).

- 8.3.7. However, I consider that the site displays characteristics of an 'accessible location' as there are existing bus stops on the northwestern (Sallynoggin Road) and adjacent to the eastern (Sally Glen Road) site boundaries which are in immediate proximity to the site, and other bus stops well within 500m walking distance of the reasonably frequent (15-minute peak hour) 7 and 7A bus routes on Sally Glen Road/ Glenageary Road. Further, the site also displays other advantageous characteristics being c.1.3km walking distance to Glenageary DART station. With regard to planned public transport, I highlight that while the site is in excess of 1km walking distance to the closest bus stop locations on the published routes of the BusConnects Core Bus Corridors (i.e., c.2.6km walking distance to the E Spine and c.3.3km walking distance to the B Spine), the site is c.450m walking distance to the route of the B4 branch of the B Spine (15-minute peak hour frequency) and c.900m walking distance to the route of the E2 branch of the E spine (8-minute peak hour frequency). Further, the planned L22 bus route (15-minute peak hour frequency) runs along the site's eastern boundary on the Sally Glen Road.
- 8.3.8. Due to the site displaying several favourable accessibility characteristics (albeit not the expressly required qualifiers of service type, frequency, and walking distance), I have had regard to Section 3.4.1 of the guidelines (para 1, pg. 31). The guidelines direct that the approach to refining density should be informed by the capacity and wider network accessibility of public transport services and the journey time to significant destinations. In this context, I highlight that the site is in immediate proximity of bus stops along two site boundaries served by several existing and planned reasonably frequent peak time bus routes, within 1km walking distance of two branches of two different BusConnects spine options, is connected to key end-destinations of Dublin City and Dun Laoghaire, is served by routes with more peak time high frequency (7-8 minutes) than the standard 10 minutes frequency and is within a reasonable walking distance to the DART rail system. I am satisfied that the site can be categorised as being in an accessible location. For assessment purposes, residential densities of new developments in 'City – Suburban' accessible locations of up to 150dph shall be considered.

- 8.3.9. In Step 2 of the refining process, I have analysed the impact of the proposed development on site-specific criteria. In respect of the character of the area, I find this to be divergent, not uniform or distinct, and therefore able to adjust to change. The range of uses is reflected in the diversity of the surrounding buildings' dates, styles, heights, and densities. The proposal includes an interconnecting block format with a modern architectural design, elevational treatment, and external finish. I consider the proposal (subject to revision) will complement and contribute to the diversity of the area's character.
- 8.3.10. In respect of the historic environment, while the cottages and dwellings on Sallynoggin Road Lower and Sallynoggin Villas are older housing stock, there are no protected structures, architectural conservation areas or archaeological monuments at or in the vicinity of the appeal site. The receiving area is not a historically sensitive environment and I therefore consider it not vulnerable to a denser form of development at the site.
- 8.3.11. In respect of protected habitats and species, the site is comprised of grasslands with no notable tree cover or hedgerow boundaries. The Ecological Impact Statement (EclS) indicates that the site is not under any wildlife or conservation designation. The site surveys did not record any rare or protected plant species, protected mammal species, or habitats of more than low local biodiversity value. The site is determined to have no key ecological receptors and no evidence of habitats or species with links to European sites. The Appropriate Assessment Screening Report (AASR) does not record any such habitats or species at the site, connections to or effect on any designated European sites. As such, I consider there to be no impediment to the development of the site due to biodiversity.
- 8.3.12. In respect of daylight/ sunlight of residential properties, the Daylight and Sunlight Assessment (DSA) report outlines the impact of the proposal on the daylight/ sunlight available to existing dwellings and that which will be available to future residents. The assessment indicates results that are within the BRE standards for same except for a minor deviation for daylight of existing properties. I find the extent of impact on adjacent properties to be acceptable due to the recommended revisions in height, scale and massing, the majority of assessed properties maintaining access to acceptable levels of daylight and sunlight, that the degree of impact is not without basis given the urban location and existing conditions, the benefits of redeveloping

the vacant zoned and serviced site, the provision of modern commercial floorspace, and the delivery of several new residences.

- 8.3.13. Finally in respect of water services capacity, Uisce Eireann has provided Confirmations of Feasibility confirming that there is sufficient capacity for water supply and wastewater drainage and infrastructure upgrades are not necessary to either system to facilitate the proposed development. The proposal incorporates SuDS measures and on-site attenuation infrastructure, and the planning authority has not raised any issue regarding capacity of the surface water drainage system.
- 8.3.14. Overall, none of the site-specific criteria are sensitive aspects of the receiving environment, and I consider the impact on same from the development of the site to be acceptable. As such, in completing the two-step density refining process, I consider a residential density of up to 150dph to be appropriate for the appeal site. This density aligns with the direction in the guidelines, reflects the nature of the site (neighbourhood centre zoning, prominent urban infill site, accessible location, mix of surrounding uses) and can be absorbed at the site without causing a negative impact (manageable increase in population, capacity in facilities and services, robust character of the area, existing residential amenity and visual amenity safeguarded subject to the recommended revisions).

Residential Density: Applicant's Position

- 8.3.15. As referred to previously, in the appeal response the applicant categorises the site as City – Urban Neighbourhood and indicates the density of the scheme as 186dph. The applicant refers to and relies on the planning authority's assessment, in which the site was categorised as an 'accessible urban location' as defined in the Apartment Guidelines, and that the proposed density was considered to be acceptable.
- 8.3.16. I highlight to the Board that the Apartment Guidelines which were in effect the time of the planning authority decision (and the pre planning consultation), indicated that large-scale, apartment-only developments of high density (more than 45dph) were appropriate for locations such as the appeal site. Importantly, there was no policy context specifying an upper limit for densities in such locations. As I have outlined in detail above, the updated Sustainable Residential Development guidelines that are

in effect for the assessment of this appeal require a density refining process, and I identify the site as having an upper density limit of 150dph.

- 8.3.17. Of the categorisation in the applicant's appeal response of the site as a City – Urban Neighbourhood, I do not concur. In my opinion, the location of the site fails to come within the scope of the qualifying sub items (i)-(iv) (as per definitions in Table 3.8 of the guidelines). The applicant refers to the site being a 'medium density residential neighbourhood', which is sub item (i). However, the applicant has omitted the qualifying proximity to the city centre, i.e., 'compact medium density residential neighbourhood around the city centre' which the site does not satisfy. The site is in an edge of Dublin City location (i.e., a city suburb not the city centre).
- 8.3.18. The neighbourhood centre NC zoning should not be conflated with an urban neighbourhood as defined in the guidelines as, importantly, sub item (iii) refers to lands required to be zoned as town centre to qualify, which the site is not. Sub item (ii) applies to specific strategic lands, which again, the site is not. Sub item (iv) relates to locations qualifying dependant on walking distances to public transport services. The applicant provides information on public transport in the Traffic and Transport Assessment (TTA), however, the analysis of bus frequencies do not align with the definitions in the guidelines, and when distances are provided to the BusConnects and DART services in the TTA these are all in excess of the requirements in the guidelines.
- 8.3.19. As I have outlined previously, the site is well located in terms of public transport services, however it is in excess of each of the walking distances to the high-capacity transport routes specified in the guidelines. I calculate that the site is 1.3km walking distance to Glenageary DART station, c.2.6km walking distance to the closest bus stop location on the BusConnects Core Bus Corridor route of the E Spine, and c.3.3km walking distance to that of the B Spine.
- 8.3.20. Of the applicant's indication that the density of the proposed development is 186dph, I consider the density has been incorrectly calculated as it has not accounted for the non-residential floorspace, as is required for in mixed use schemes (methodology provided in Appendix B of the guidelines). The stated residential density of 186dph is based on a simplified calculation (number of units divided by the site area) and has not been calculated in accordance with Appendix B of the guidelines.

- 8.3.21. Based on the information provided by the applicant in the case file (i.e., the architect's Schedule of Accommodation, floor plans), applying the methodology in Appendix B of the guidelines, I calculate that the residential density of the scheme is c.204dph (see Table 5 of this report). I have relied on the scheme's overall GFA, the GFAs indicated for the non-residential uses (restaurants, retail, childcare service), and retained the residential ancillary areas (amenity services, landlord areas) within the residential GFA.
- 8.3.22. The proposed density of the scheme at c.204dph notably exceeds the recommended upper density limit of up to 150dph for City – Suburban accessible locations. Accordingly, I do not concur with the applicant that the density of the scheme is appropriate. Conversely, in its current configuration, the proposed development does not comply with Policy and Objective 3.1 of the guidelines and as such is not acceptable.

Recommended Revisions to the Proposed Development

- 8.3.23. As I have discussed above, and discuss in section 8.5 below, I find the proposed residential density (of c.204dph) and proposed building heights (ranging from 4 to 7 storeys at a location with a prevailing height of 1-2 storeys) to be excessive for this neighbourhood centre location. These metrics are more suitable to higher order urban locations (major town centre or district centre locations within the county, and lands which are on/ adjacent to high-capacity public transport routes).
- 8.3.24. I recommend revisions be made to the proposed development to address a number of planning concerns (excessive residential density, disproportionate residential floorspace, inappropriate building height, substandard future residential amenity). While the Board may consider refusing permission for the proposal on these grounds, I consider there to be planning merit in several aspects of the scheme which would justify a grant of permission subject to modifications.
- 8.3.25. The revisions I recommend to the Board involve a reduction in the number of apartments (43 units) which is achieved through a change of use of residential floorspace to retail at ground floor level of Block B (thereby increasing the non-residential floorspace), an amalgamation of apartments in Block B (thereby reducing residential density) and a reduction in a full storey in each block and further storeys

in Block B (thereby reducing the residential floorspace) with a corresponding reduction in the buildings' heights and massing.

8.3.26. The following table outlines the revisions to the proposed development and the associated modification to the quantum of floorspace and the number of apartments.

Table 4: Recommended Revisions to the Proposed Development

Block A			
Floor	Change	Floorspace	Apartments
3rd floor	Omit floor level (all units) (residential floorspace)	- 895sqm	- 9 units
Totals remaining		3,749sqm	32 units
Block B			
Floor	Change	Floorspace	Apartments
Grd floor	Omit B1-0.01-B1-0.02, B2-0.01 floorspace amalgamated with retail unit(s), change of c.179sqm from residential to non-residential floorspace	Change in use	- 3 units
1st floor	Omit B2-1.01 Amalgamate floorspace with B2-1.02 (change a 1 bed/ 2P to a 3 bed/ 5P)	No change	- 1 unit
2nd	Omit B2-2.01 Amalgamate floorspace with B2-2.02 (change a 1 bed/ 2P to a 3 bed/ 5P)	No change	- 1 unit
3rd	Omit floor level (residential floorspace)	- 1,665sqm	- 19 units
4th	Omit B2-4.01 Amalgamate floorspace with B2-4.02 (change a 1 bed/ 2P to a 3 bed/ 5P)	No change	- 1 unit
5th	Omit B2-05.01 (partial)-B2-05.05 Revise floorplan of B2-5.01 (remaining floorspace), B1-5.04, and B1-5.05 to be the same in floorplan footprint/ layout as B1-6.03 and B1-6.04.	- c.337sqm	- 5 units
6th floor	Omit floor level (residential floorspace)	- 418sqm	- 4 units
Totals remaining		7,327sqm	63 units
Overall Totals		11,076sqm	95 units

Note: The floorspace calculations above are necessarily estimates. However, these are reasoned and based on measurements of and details in the plans and particulars of the case file. I consider any discrepancy in floorspace to likely be minor and not material in consequence.

8.3.27. The implications of the recommended revisions to the proposed development in respect of floorspace, number of apartments and residential density are presented in Table 5 below. In short, the revisions to the proposal result in a reduction in overall floorspace of c.3,315sqm, a decrease of 43 apartments, and a lessening of residential density to c.148dph.

Table 5: Residential Density – Proposed and Revised

Measuring Residential Density in a Mixed-Use Scheme	Proposed	Revised
Net site area	0.74ha	0.74ha
Overall GFA	14,391sqm	11,076sqm
Block A	(4,644sqm)	(3,749sqm)
Block B	(9,747sqm)	(7,327sqm)
Non-residential GFA	1,259sqm	1,438sqm
Block A	(562sqm)	(562sqm)
Block B	(697sqm)	(876sqm)
Residential GFA	13,132sqm	9,638sqm
Block A	(4,082sqm)	(3,187sqm)
Block B	(9,050sqm)	(6,451sqm)
No. of apartments	138	95
Residential GFA as a portion of development	91.25%	87%
Site area for density purposes	0.6753ha	0.6438ha
Residential density (net)	c.204dph	c.148dph

Conclusion

8.3.28. In conclusion, subject to revision, I am satisfied that the proposal represents an appropriate form of infill development with an acceptable resultant residential yield. The proposal consolidates urban growth, increases the supply of residential accommodation, contributes to a greater mix and variety of residential typologies

available in the area, and ensures more efficient and sustainable use of zoned and serviced lands including public infrastructure. As such, the proposal complies with a range of applicable policy objectives at the national (NPO 27, 33, and 35, and various requirements in applicable planning guidelines), regional (RPO 5.3 and 5.5), and local (Policy Objective PHP18: Residential Density and Policy Objective PHP27: Housing Mix) levels.

8.4. Design, Layout and Public Realm

- 8.4.1. Appeal grounds and observation issues include that the design and layout of the proposed development, including the public realm, are inappropriate, out of character, and of poor quality. Due to the applicable policy context and nature of the appeal grounds, I propose to address issues relating to architectural design, layout, and public realm in this section, and to consider the issues of building height and visual amenity in section 8.5 below. As outlined previously, I recommend revisions be made to the proposed development, some of which are relevant for this section.

Design

- 8.4.2. In respect of design, the architectural approach for the two interconnected blocks includes creating distinct elements in the elevational treatment of the buildings. The elements include Block A, the connecting bridge at second to fourth floor levels, Block B, and the southeastern projection of Block B. This is achieved through the coordinated design of the fenestration, entrances, balconies and screening arrangements of each element, the use of staggered building lines at the different floor levels, stepped building heights and variations in roof profile, and most effectively, the use of varied yet complementary external finishes for each element (i.e., different coloured bricks (red, grey, white) in the upper storeys).
- 8.4.3. In my opinion, the architectural design of the blocks is well considered and a modern expression of the mixed-use block/ apartment typology. The buildings have streamlined design details, proportions, and subtle finishes. The floor to ceiling height proportions of the commercial ground floor level is higher than, though consistent with, the residential upper floor levels. Subject to the recommended revisions (the omission of the third floor level in both blocks, the modification in the design of the northeastern elevational at fifth floor level of Block B, and the omission of the sixth floor level of Block B), I consider that the overall design of the scheme

complies with 2022 CDP Section 12.3.1.1, Design Criteria satisfying applicable urban design principles such as creating a sense of place and variety, and responding to context as a new architectural form for the site.

Layout

- 8.4.4. In respect of layout, the proposed development involves the redevelopment of a presently vacant infill site (site clearance works were completed under a previous planning permission). The proposal comprises two blocks with rectangular building footprints (Block B also includes a southeastern projection), which are laid out on northeast-southwest alignments through the site. The scheme includes a basement level for parking, thereby achieving an efficiently high site coverage at the ground floor/ street level.
- 8.4.5. The proposed buildings form new edges at the northern corner of this prominent urban block (adjacent to the intersection of several roads at the Glenageary Roundabout). The blocks create well defined streetscapes along Sallynoggin Road (northwestern boundary of the site) and Glenageary Avenue (northeastern boundary). The western boundary remains open to the existing Lidl retail operation (save for around the proposed childcare facility), thereby allowing pedestrian access between the properties. Centrally located between Blocks A and B, is the main public plaza area, while between the southern side of Block B and adjacent properties, is a communal area of open space with a playground. I positively note the layout of both areas of open space, which provide amenity opportunities for the public and/ or residents, and daylight and ventilation to upper storey apartments. Overall, I consider the layout of the proposed development, including the siting of the buildings, the creation of open spaces, and the location of commercial units, services, and circulation spaces to be practical, optimal and accessible.

Public Realm

- 8.4.6. In respect of the public realm, I have reviewed the submitted plans, Architectural Design Statement, Landscape Design Strategy Report, and Daylight and Sunlight Assessment (DSA). Of the buildings within the proposal, I positively note the design and layout of the ground floor levels of the buildings and their relationship with the public realm. The ground floor levels comprise the commercial units and residential amenity areas, which have doors opening towards/ windows addressing the existing

public streets, and/ or the new open spaces and pedestrian routes in the scheme. The inclusion of such uses at ground floor level of the buildings, and the manner of their design, allows the best opportunity for active street frontages and encouraging pedestrian activity into the public realm throughout daytime/ evening hours.

8.4.7. I consider the design of the main public plaza to be satisfactory, being sited between the blocks, laid out on an east-west orientation thereby ensuring favourable daylight, sunlight, and climatic conditions. The plaza comprises a mix of hard and soft landscaping, seating, and a work of public art. There is a greater setback along the site's eastern boundary on Glenageary Avenue which allows for an increased public realm at the front of the scheme. I do not agree with the appellants and consider the public realm works to be positive interventions, contributing to the amenity of the area, defining the proposed scheme, and adding visual interest to the new streetscapes. I am satisfied that the proposal incorporates features that enhance the urban design context for site and urban block, and are representative of good quality urban design, contributing to an inclusive public realm and thereby complying with 2022 CDP Section 12.3.1.1.

8.4.8. Importantly, I reiterate to the Board that I consider these positive components of the scheme (improving linkages and connectivity, enhancing public spaces and urban legibility, including for public spaces and active ground floor uses, undergrounding of parking) can be achieved at a lesser density and reduced building heights than is being proposed. Related, I am satisfied that the proposed development overcomes the refusal reasons of SHD application ABP 312321-21 as they related to substandard design and layout and the resultant poor public realm, and poor connection with the receiving area.

Conclusion

8.4.9. In conclusion, I am satisfied that the design and layout of the proposal are acceptable in terms of architectural treatment, siting and arrangement, and proximity to site boundaries. I positively note the design approach taken to the ground floor levels of the buildings and their relationship with the street level, creating a pedestrian focussed environment, with active street frontages, hard and soft landscaping, and public realm developments and improvements. I am satisfied that the proposed development (as revised) is an appropriate design solution for this site

and the receiving area, overcoming the refusal reasons cited for the SHD application.

8.5. Building Height and Visual Amenity

- 8.5.1. Appeal grounds and observation issues include objection to the building height, scale, and massing of the proposed development, described as excessive, enormous, incongruous, and overbearing with adverse impacts caused to the existing character (defined by single storey dwellings) and visual amenity of the area (abrupt change in scale).

Building Height

- 8.5.2. The proposed development comprises two buildings, Block A is 5 to 6 storeys in height (principal heights of between c.17.45m-20.95m) and Block B is 4 to 7 storeys in height (principal heights of between c.14.45m-24.95m). As identified in section 6.4 of this report, in the Building Height Strategy (BHS) of the 2022 CDP, the site is located in an area referred to as 'Local Plan Area and SDZ Boundaries' whereby building heights are to accord with the provisions of an applicable LAP/ SDZ.
- 8.5.3. The site is subject to an objective to prepare a LAP for Sallynoggin. The BHS of the 2022 CDP states the LAP will be prepared in accordance with the Building Height Guidelines. In the absence of the LAP, I am satisfied that the Board can rely on the provisions of the BHS as the strategy has incorporated the requirements of the Building Height Guidelines. The BHS requires that proposals for 'increased height' and/ or 'taller buildings' are assessed against a range of performance-based criteria. 'Increased height' is defined as buildings taller than the prevailing building height in the surrounding area, and 'taller buildings' are defined as those that are more than 2 storeys taller than the prevailing height for the area.
- 8.5.4. A key issue in considering the scale of the proposed development, is the site's context and the prevailing building height in the surrounding area. From my site inspection, review of the plans and particulars in the case file, and consideration of the policy context, I consider the surrounding area to be divergent in terms of building heights. The site is located within a transitional zone, at an urban edge, with uses and architectural styles that vary significantly. While I acknowledge that site is adjacent to commercial and retail units (equivalent of c.3 storeys in height) on Sallynoggin Road, and the 2-3 storey Glenageary neighbourhood centre, I find that,

on balance, the prevailing height in the immediate area is 1-2 storeys set by the cottages and houses to the west and southeast of the site, which are in the majority.

- 8.5.5. As such, the proposal is a scheme of increased height, comprising taller buildings rising from 4 to 7 storeys. The proposed development is therefore required to be subject to the performance criteria included in Table 5.1 of the 2022 CDP, which I have undertaken in Table 6 below.

Table 6: Performance Criteria Assessment of Proposed Development

Performance Criteria	Assessment
At County Level	
Proposal assists in securing objectives of the NPF, in terms of focusing development in key urban centres, fulfilling targets in relation to brownfield, infill development and delivering compact growth.	<p>Infill proposal provides for consolidation of new development, densification of residential use, and greater efficiencies in use of serviced land and public resources.</p> <p>Proposal contributes to an increased supply of residential units and specifically of apartments to balance out housing offer in the receiving area.</p>
Site must be well served by public transport – i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/ 5 minute walk band of Bus Priority Route - with high capacity, frequent service and good links to other modes of public transport.	<p>Site is generally well served by public transport being within 500m walking distance of existing and planned reasonably frequent bus services (15 minute peak time frequency).</p> <p>Site is in excess of 1km to DART station and published BusConnects Core Bus Corridors bus stops.</p> <p>Therefore, revisions are required to reduce the building height of the proposed development.</p>
Proposal must successfully integrate into/enhance the character and public realm of the area, having regard to topography, cultural context, setting of key landmarks. In relation to character and public realm the proposal may enclose a street or crossroads or public transport interchange to the benefit of the legibility, appearance or character of the area.	<p>Site is a prominent corner site, at an intersection between several roads at the Glenageary Roundabout. Proposal will serve as visual marker at this location and assist in urban legibility in the area.</p> <p>As the character of the area is divergent in terms of architectural designs, scales, and heights, a scheme with taller buildings can be accommodated at the site.</p> <p>However, as proposed, the development does result in abrupt changes in building height from the modest 1-2 storey dwellings to the northwest/ north/ southeast. Therefore, revisions are required to reduce the building height of the proposed development.</p> <p>Public realm works are incorporated in the scheme which will contribute to the amenity of the area, define the proposed scheme, and add visual interest to the streetscapes.</p>
Protected Views and Prospects: Proposals should not adversely affect the skyline, or detract	Site not within a 2022 CDP protected view or prospect.

from key elements within the view whether in foreground, middle ground or background. A proposal may frame an important view.	However, due to the differences in height, scale and massing between the proposed development and the key elements in the receiving area, the visual effect is jarring and detracts from same. Therefore, revisions are required to reduce the building height of the proposed development.
Infrastructural carrying capacity of area as set out in Core Strategy of CDP, relevant Urban Framework Plan or Local Area Plan.	The Sallynoggin LAP has not been prepared. However, the site is zoned and serviced, and its development is included for in the county's Core Strategy. There are no infrastructural capacity constraints identified and confirmed affecting the proposed development.
At District/ Neighbourhood/ Street Level	
Proposal must respond to its overall natural and built environment and make a positive contribution to the urban neighbourhood and streetscape.	<p>Proposed development includes several design features which make positive contributions to the urban neighbourhood and streetscape (commercial uses at ground floor level, development of public plaza, several public realm improvements, hard and soft landscaping, connections to and through the public realm in the wider block, strong and well-defined block edges, creation of street frontages).</p> <p>However, as proposed, the development does result in abrupt changes in building height from the modest 1-2 storey dwellings to the northwest/ north/ southeast. Therefore, revisions are required to reduce the building height of the proposed development.</p>
Proposal should not be monolithic and should avoid long, uninterrupted walls of building in the form of slab blocks.	<p>The blocks have streamlined elevation designs, with simple architectural features and proportions. The floor to ceiling proportion of the ground floor level is higher than, though consistent with, the upper floor levels, and window and door openings are unobtrusive square forms.</p> <p>However, as proposed, the development is of a bulk and massing which is excessive and dominates the receiving area. Therefore, revisions are required to reduce the building height of the proposed development.</p>
Proposal must show use of high quality, well considered materials.	The proposed development features varied yet complementary external finishes for each element (e.g., different coloured bricks (red, grey, white) in the upper storeys, aluminium and steel panels and screens. The materials are well considered and reflect the modern nature of the proposal.
Proposal where relevant must enhance urban design context for public spaces and key thoroughfares and marine or river/ stream frontage.	Public realm works, particularly on Glenageary Avenue, create new hard and soft landscaped spaces enhancing the amenities of the area and adding visual interest to the streetscapes.
Proposal must make a positive contribution to the improvement of legibility through the site or wider urban area. Where the building meets the street, public realm should be improved.	The site occupies a visually prominent location on the southern side of the Glenageary Roundabout. The development of the presently vacant site with two buildings located to create strong edges along the urban block with a public

	<p>plaza in between will improve legibility in the area.</p> <p>At street level along two site boundaries, public realm improvements are included allowing for amenity opportunities and creating visual interest in the streetscapes.</p>
Proposal must positively contribute to the mix of uses and/ or building/ dwelling typologies available in the area.	Proposal provides for a new neighbourhood centre with commercial units, a childcare facility, and apartments as the residential format. The proposal will contribute to the mix of services, retail opportunities, and residential typologies available in the local area.
Proposal should provide an appropriate level of enclosure of streets or spaces.	<p>Proposal incorporates public realm improvements which involve the creation of new hard and soft landscaped spaces.</p> <p>The buildings frame the public plaza and Block B encloses the communal landscaped area with playground. The open spaces have favourable orientations, are easily accessible and with hard and soft landscaping offering residents and visitors the opportunity for amenity.</p>
Proposal should be of an urban grain that allows meaningful human contact between all levels of buildings and the street or spaces.	Proposal's ground floor and street level design is responsive with ground floor arrangement (building entrances, fenestration, plaza, public realm improvements) allowing and encouraging human contacts – direct in-person and passively by visual observation.
Proposal must make a positive contribution to the character and identity of the neighbourhood.	Proposed development is for a new neighbourhood centre which includes several design features which make positive contributions to the area. Proposal includes high quality external finishes and public realm improvements that will positively contribute to the character and identity of the area.
Proposal must respect the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring properties.	<p>The proposed development is not considered to cause undue overlooking or overshadowing to adjoining properties.</p> <p>However, as proposed, the development does result in abrupt changes in building height from the modest 1-2 storey dwellings to the northwest/ north/ southeast, is of a bulk and massing which is excessive and dominates the receiving area, is jarring and has an adverse impact on the visual amenities of the receiving area. The residents in the adjoining properties will experience overbearance due to the proposal. Therefore, revisions are required to reduce the building height, scale and massing of the proposed development.</p>
At Site/ Building Scale	
Proposed design should maximise access to natural daylight, ventilation and views and minimise overshadowing.	<p>The arrangement of the buildings, their orientation within the site, and layout adjacent to areas of open space (public and communal) allows for maximum access to daylight, ventilation and favourable outlooks.</p> <p>The Daylight and Sunlight Assessment (DSA) analyses daylight and sunlight available to</p>

	neighbouring properties and the proposed apartments, and sunlight available to the proposed development's amenity spaces. There are minimal instances of non-compliance with the BRE 209 2022 standards.
Proposal should demonstrate how it complies with quantitative performance standards on daylight and sunlight as set out in BRE guidance "Site Layout Planning for Daylight and Sunlight" (2nd Edition). Where a proposal does not meet all the requirements, this must be clearly identified and the rationale for any alternative, compensatory design solutions must be set out. On relatively unconstrained sites requirements should be met.	The Daylight and Sunlight Assessment (DSA) analyses daylight and sunlight available to neighbouring properties and the proposed apartments, and sunlight available to the proposed development's amenity spaces. There are minimal instances of non-achievement of the applicable BRE 209 2022 standards. The instances of non-compliance are accepted having regard to wider planning gains.
Proposal should ensure no significant adverse impact on adjoining properties by way of overlooking, overbearing, and/ or overshadowing.	The proposed development is not considered to cause undue overlooking or overshadowing to adjoining properties. However, as proposed, the development does result in abrupt changes in building height from the modest 1-2 storey dwellings to the northwest/ north/ southeast, is of a bulk and massing which is excessive and dominates the receiving area, is jarring and has an adverse impact on the visual amenities of the receiving area. The residents in the adjoining properties will experience overbearance due to the proposal. Therefore, revisions are required to reduce the building height, scale and massing of the proposed development.
Proposal should not negatively impact on an Architectural Conservation Area (ACA) or the setting of a protected structure.	There are no protected structures, ACAs or archaeological monuments at or in the vicinity of the site. However, the cottages and dwellings on Sallynoggin Road Lower and Sallynoggin Villas are older housing stock with a distinct character in and of themselves. The development, as proposed, is excessive in terms of scale and massing from these buildings and causes an abrupt change in building height. Therefore, revisions are required to reduce the building height of the proposed development.
Proposals must demonstrate regard to the relative energy cost of and expected embodied and operational carbon emissions over the lifetime of the development. Proposals must demonstrate maximum energy efficiency to align with climate policy. Building height must have regard to the relative energy cost of and expected embodied carbon emissions over the lifetime of the development.	Proposal includes a Building Lifecycle Report and a Sustainability Services Report which indicate the favourable performance indicators of the scheme in terms of energy rating, sustainable modes of transport, and blue and green roof system.
County Specific Criteria	
Having regard to the County's outstanding architectural heritage which is located along the coast, where increased height and/ or taller buildings are proposed within the Coastal area	Not applicable. Site is not in a coastal location.

from Booterstown to Dalkey the proposal should protect the particular character of the coastline. Any such proposals should relate to the existing coastal towns and villages as opposed to the coastal corridor.	
Having regard to the high quality mountain foothill landscape that characterises parts of the County any proposals for increased heights and/ or taller building in this area should ensure appropriate scale, height and massing so as to avoid being obtrusive.	Not applicable. Site is not in a mountain foothill location.
Additional specific requirements (applications are advised that requirement for same should be teased out at pre planning's stage).	Preplanning consultation undertaken on proposed development.
Specific assessments such as assessment of microclimatic impacts such as down draft.	Range of documentation provided with the application. No issues such as down draft or inclement conditions identified. DSA indicates the three amenity spaces analysed (public, communal, and childcare open spaces) achieved BRE standard.
Potential interaction of building, materials and lighting on flight lines in locations in proximity to sensitive bird/ bat areas.	The Ecological Impact Statement and Screening Report for Appropriate Assessment state there are no protected habitat or species at or in proximity to the site which would affect birds/ bats.
Assessment that the proposal allows for the retention of telecommunications channels, such as microwave links.	Not applicable. Proposal has not implications for telecommunications infrastructure.
An assessment that the proposal maintains safe air navigation.	Not applicable. Site is not in an aviation designation or flightpath location included in the 2022 CDP.
Relevant environmental assessment requirements, including SEA, EIA (schedule 7 information if required), AA and Ecological Impact Assessment, as appropriate.	Proposal accompanied by Ecological Impact Statement, Appropriate Assessment Screening Report, and EIA Screening Report. I have undertaken screening for AA and EIA and concluded that neither assessment is required for the proposal.
Additional criteria for larger redevelopment sites with taller buildings	
Proposal should make a positive contribution to place making, incorporating new streets where appropriate, using massing and height to achieve densities but with variety and scale and form to respond to scale of adjoining development.	Site is a compact infill site and proposal is a mid-scaled proposal with two interconnecting buildings. Public plaza allows connections between streets and architectural approach includes for variety in elevation designs and treatments. However, as proposed, the development is excessive in terms of height, scale and massing for the receiving area and does not adequately respond to the scale of adjoining development. Therefore, revisions are required to reduce the building height of the proposed development.

For larger unconstrained redevelopment sites BRE standard for daylight and sunlight/any forthcoming EU standards on daylight sunlight should be met.	<p>Site is a compact infill site and proposal is a mid-scaled proposal with two interconnecting buildings.</p> <p>DSA indicates that, for the most part, the proposal achieves the BRE standards. The instances of non-compliance are accepted having regard to wider planning gains.</p>
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Recommended Revisions to the Proposed Development

- 8.5.6. In undertaking the performance criteria assessment above, I find the building height (and associated scale and massing) of the proposed development to be excessive for the context with adverse impacts on the receiving area. Notwithstanding, due to several positive features in the overall scheme (including the architectural design approach, siting of the buildings, creation of the public realm, and ground floor level layout), I consider there to be planning merit in the proposal and I recommend revisions be made to the scheme to reduce the building height.
- 8.5.7. I consider that appropriate building heights for the site comprise the main elements of Blocks A and B being up to 5 storeys, due to the overriding importance of creating a new distinctive streetscape along Glenageary Avenue and defining this prominent corner location. It is acceptable for the rear (southwestern) portion of Block B to remain as 5 storeys due to its context (wider range of surrounding uses, greater scale of built forms, set back from residential streets). For the rear (southwestern) portion of Block A, a building height of 4 storeys is appropriate due to the importance of continuing the streetscape along Sallynoggin Road, allowing a stepping down in scale to the Lidl building (equivalent of 3 storeys in height) and reducing overbearance and the visual impact from the cottages to the northwest. For the side (southeastern) projection of Block B along Glenageary Avenue, a staggered building height rising from 3 to 4 storeys is more appropriate (than the proposed development which rises from 4, to 5, to 6 storeys), reflective of the modest scale of existing structures on Glenageary Avenue and allows a gradual increase in scale and massing, which also compliments but does not complete with the main elements of the blocks at a maximum of 5 storeys.
- 8.5.8. Accordingly, the recommended revisions include the omission of a full storey, the third floor level, from Block A such that the building will be revised from 5 to 6 storeys to 4 to 5 storeys in height (principal heights reduced to between c.14.45m-17.95m).

For Block B, the revisions include the omission of a full storey, third floor level, and the sixth floor level (which does not extend the full block), such that the building will be revised from 4 to 7 storeys to 3 to 5 storeys in height (principal heights reduced to between c.11.45m-17.95m). Additionally for Block B, the revisions include the partial omission of the fifth floor level of the southeastern projection such that this part of Block B will be revised to 4 storeys in height (principal height reduced to c.14.45m) (i.e., the southeastern projection of Block B is revised from 4-6 storeys in height to 3-4 storeys).

- 8.5.9. I consider the scale and massing of the proposed blocks (as revised) to respond to and reflect the nature of the receiving area more appropriately. That being, the extent of divergence in terms of existing buildings' scale and massing, and an acknowledgement of the modest built forms of structures in immediate proximity to the site. In this regard, I am satisfied that the proposed development overcomes the refusal reasons of SHD application ABP 312321-21 as they related to being contrary to the town and streetscape level criteria of the Building Height Guidelines (substandard design, layout, and connection with the receiving area).
- 8.5.10. With regard to the elevational design of the revised blocks, I positively note the architectural approach employed for the proposed scheme which sought to step the heights of each building, increasing the elements within each block, and provide variations and visual interest in the roof profiles. I also note the detailing in the design of the upper most storeys of the blocks (higher floor to ceiling heights, parapet wall detailing). I consider these elements to be positive design features and recommend, where possible, these be maintained in the revised proposal.
- 8.5.11. For clarity, I have recommended the omission of the third floor level of Block A so that the design of the upper most storey (i.e. fifth floor level) can be maintained. While this approach is not repeated for Block B (as the upper most storey, sixth floor level is omitted to reduce the overall building height, scale and massing of the scheme), I recommend the revised upper most storey (i.e. the new fifth floor level) of Block B be the same in principal height, elevational design and external finish as that of Block A. This approach will ensure there is a satisfactory symmetry achieved between the front elevations of the main elements of Blocks A and B on Glenageary Avenue. The partial omission of the fifth floor level of Block B (projecting arm to the southeast) and its reduction from 6 to 4 storeys is to reduce the overall building

height, scale and massing of Block B, whilst also ensuring that the main elevational element of Block B remains that with the maximum 5 storeys building height.

Visual Amenity

- 8.5.12. The application includes a Townscape and Visual Impact Assessment report with photomontages for the proposal. I confirm to the Board that I have incorporated my recommended revisions into this assessment of the proposal's impact on visual amenity (i.e., the omission of specific floor plans and reduced building heights, scale, and massing).
- 8.5.13. 15 viewpoints are selected in the Visual Impact Assessment (with existing and proposed images) representative of views of the site's context along Sallynoggin Road, Glenageary Roundabout, and from adjacent residential streets. At my site inspection, I travelled the area noting these viewpoints and confirm the accuracy of same. Notable impacts are experienced in all views (where the proposal is visible, so excluding V9) due primarily to the vacant and open nature of the site at present.
- 8.5.14. From vantage points along Sallynoggin Road (V1, V2, V4, V5, V13) and from Glenageary Roundabout (V6, V7, V8, V10), while the proposal's height, scale and massing are visible in the fore and/ or mid-ground distances, I do not consider these to overly dominate the views (due to the effective use of external finishes to reduce bulk and massing, the stepped building heights, the extent of screening provided at and in proximity of the roundabout, and from new planting), or result in abrupt transitions in scale and massing (due to the gradual increase in scale and massing from that of the adjacent properties), or to cause injury to the streetscapes (due to these not being visually vulnerable, particularly Sallynoggin Road, or subject to any architectural designations).
- 8.5.15. I find that the viewpoints most affected by the proposal are those from within the adjacent residential streets of Parnell Street (V3), Sarsfield Street (V12), and Glenageary Avenue (V14, V15). In these views, the height, scale and massing of the scheme as proposed are clearly apparent, filling the mid-ground and exerting an overly dominant visual presence. The benefits of omitting floor levels and reducing the building height of the blocks, as recommended, are apparent on consideration of these viewpoints. In V3, the omission of the third floor level of Block A will result in that building's roof profile being at/ just above those of the cottages in the mid-

ground as opposed to projecting into the skyline. In V12, the reduction in the building height of Block A will ensure a less jarring and abrupt transition in scale to the Lidl supermarket building. In V14 and V15, the benefits of the recommended omission of the third and sixth floor levels, and partial omission of the fifth floor level of the southeastern projection of Block B are evident. The reduced building height and decreased bulk and massing of this portion of Block B will result in less dominant and overbearing, and more streamlined and simplified forms when viewed from these vantage points. Subject to the recommended revisions, I do not consider the views to be adversely affected or injured by the proposal but simply altered (principal dimensions of the blocks are not unduly excessive, building's floor levels are setback and staggered in form, are of a high quality design with subtle external finishes, and are/ will be well screened).

8.5.16. In my opinion, the degree of impact on the visual amenity of the area is likely to be moderate negative (during the construction phase) through to moderate neutral/ positive given the extent of change (though not adverse) of the appearance of the site once developed. I consider that the applicant has accurately indicated the visual impact of the proposed development. I find that the proposed development (subject to revision) will not have a significant negative effect on the site and receiving area, or cause undue injury to same, from any viewpoint due to the existing character of the area (notably divergent, not overly vulnerable) and its capacity to absorb a relatively high degree of change in its built environment.

8.5.17. I consider the approach to building height, scale, and massing for the proposed development (as revised) incorporating blocks with varying heights, building forms and components stepped and staggered, increasing from the site boundaries, to be an appropriate solution for the infill site which will assist the assimilation of the scheme into its surrounding area on all boundaries including the new public interfaces on Sallynoggin Road and Glenageary Avenue. While I acknowledge that the proposal is for a new residential typology at the site, thereby introducing a different built form into the streetscapes at this location, such a typology (mixed-use blocks between 3 to 5 storeys) is not without precedent in the wider area, and I consider the proposal, on balance, to be a medium scaled scheme, with principal dimensions that are not unduly excessive.

Conclusion

8.5.18. In conclusion, I find that the proposed development (as revised) addresses the substantive issues raised in the appeal grounds and observation in respect of there being an overly abrupt transition in building forms, being out of character with the area, and being visually obtrusive and overbearing. I am satisfied that, subject to amending conditions, the proposal complies with policy in 2022 CDP Section 4.2.11 and Section 4.4.1.8, Policy Objective PHP42: Building Design and Height by encouraging high quality design and complying with the Building Height Strategy, and to have overcome the previous refusal reasons of SHD application ABP 312321-21 as these related to the Building Height Guidelines.

8.6. Residential Amenity

8.6.1. In this section, I consider the impact of the proposed development on the existing residential amenity of properties adjacent to the appeal site on Sallynoggin Road, Sallynoggin Villas, Parnell Street, and Glenageary Avenue. Additionally, I identify the residential amenity of future residents as a relevant planning consideration.

Existing Residential Amenity

8.6.2. Appeal grounds and observation issues include the negative impact of the proposed development on the existing residential amenity of adjacent residences due to overlooking, overshadowing, overbearance, construction phase disturbance, and noise nuisance. I propose to address each substantive item in turn.

Overlooking and Loss of Privacy

8.6.3. Overlooking, causing a loss of privacy, is that which occurs to the private amenity space and/ or windows to the rear/ sides of residential properties. Overlooking of garden areas and/ or windows to the front of properties is not considered to be a reasonable cause of disamenity as these are the public interfaces for such properties and potential overlooking would be no greater than exists or would be caused from the public realm (i.e., passersby at street level, road users in taller vehicles). There are no residential properties to the northeast or southwest of the site that would be affected by the proposal. Residences to the northwest of the site along Sallynoggin Road Lower, Parnell Street (1a) and Sallynoggin Villas address the street and front onto Block A of the scheme. Accordingly, the proposal will not cause overlooking or a loss of privacy per se to these properties. I also note that separation distances of

at least c.21.6m are achieved between these properties and the northwestern elevation of Block A.

- 8.6.4. Residential properties potentially affected by overlooking include only the most proximate dwellings on Glenageary Avenue, No.s 108-109. From the southern elevation of the projecting arm of Block B, I calculate separation distances of c.38m to the northern gable of No. 108 and c.38m-50m to the properties' rear gardens. While a minimal number of apartments in the projecting arm of Block B (windows/balconies on the southern elevation) would have an outlook towards Glenageary Avenue, I consider the separation distances to be notable (well in excess of that required by SPPR 1 of the guidelines) and to not realistically result in overlooking. Further, I note that the location of the An Post sorting building is directly between the rear gardens of No.s 108-109 and Block B, and the recommended revisions to Block B (omission of several floor levels) would further reduce potential for overlooking and prevent any loss of privacy. All other residential properties are more than c.50m from the proposed development, a separation distance which is in excess of realistically causing overlooking.

Overshadowing and Loss of Daylight

- 8.6.5. The applicant has submitted a Daylight and Sunlight Assessment report (DSA) of the proposed development. The DSA analyses the impact of the proposed development on adjacent properties and undertakes performance tests for the proposed apartments and open spaces. Appeal grounds refer generally to the proposed development causing overshadowing of adjacent properties (there are no specific assessments submitted indicating same).
- 8.6.6. As outlined above in section 8.5 of this report, I recommend revisions are made to the proposed development including the omission of several floor levels which will reduce the height, scale, and massing of the buildings (Block A is revised from 5 to 6 storeys to 4 to 5 storeys in height (principal heights reduced to between c.14.45m-17.95m) and Block B is revised from 4 to 7 storeys to 3 to 5 storeys in height (principal heights reduced to between c.11.45m-17.95m). Notwithstanding my recommended revisions, I highlight to the Board that the analysis and conclusions in the DSA remain applicable as the report considers the impacts associated with a taller/ bulkier scheme than would arise from the revised design.

- 8.6.7. The DSA analyses daylight and sunlight available to 12 neighbouring properties (20 Sallynoggin Villas, 1a Parnell Street, and 3-21 Sallynoggin Road Lower). These are the only properties identified as within the zone of influence and potentially being impacted upon by the proposal, a position with which I concur as there are no other dwellings in the vicinity of the site, and the Glenageary Avenue residences are due south of the proposal.
- 8.6.8. Using criteria from the industry standard guidelines BRE 209 2022, the applicant's DSA presents technical analysis of the daylight and sunlight availability to the neighbouring properties. Of the 12 properties analysed, 1 or 2 windows of each property are assessed for daylight and sunlight (19 in total). In respect of daylight (Vertical Sky Component (VSC) as the parameter), 12 of the 19 windows record a negligible effect (c.63% compliance rate) and the remaining 7 windows record a minor adverse effect (c.37%). In respect of sunlight (standards of Annual Probable Sunlight Hours and Winter Probable Sunlight Hours (APSH/ WPSH)), all 19 windows record a negligible effect (100% compliance rate for both tests).
- 8.6.9. The DSA outlines that a negligible result indicates a level of effect that is within the criteria recommended in the BRE guidelines where an applied target value has been achieved. A minor adverse result indicates a level of effect that is marginally outside of the criteria recommended in the BRE guidelines where a result of between c.80-99% of an applied target value has been achieved. The BRE standard for daylight access includes the VSC of an assessed window with the new development in place not being less than 27% of its former value.
- 8.6.10. Of the results, the DSA acknowledges the adverse impact of the proposal on daylight access for windows of five properties on Sallynoggin Road Lower. Of the proportion of windows experiencing a minor adverse effect, the report states the compliance rate may appear worse due to the overall low number of windows which qualified for assessment, refers to the higher proportion of windows recording a negligible effect (i.e., achieves the BRE standard), and highlights the 100% compliance rate for sunlight access to the windows in the same properties.
- 8.6.11. I have considered the applicant's position as outlined above, note that the planning authority did not raise issues related to overshadowing, am mindful that the achievement of the BRE standards is not mandatory, and that the Sustainable

Residential Development Guidelines allow the occurrence of adverse impacts to be balanced against the achievement of wider planning gains. In this context, I find the extent of impact on adjacent properties to be acceptable due to the recommended revisions in height, scale and massing, the majority of assessed properties maintaining access to acceptable levels of daylight and sunlight, that the degree of impact is not without basis given the urban location and existing conditions, the benefits of redeveloping the vacant zoned and serviced site, the provision of modern commercial floorspace, and the delivery of several new residences.

Overbearance and Visual Amenity

- 8.6.12. Overbearance caused by the proposed development and an associated loss of visual amenity are raised in the appeal grounds. In section 8.5 above (supplemented by my assessment undertaken in section 8.4 in respect of design and layout), I have considered in detail the visual impact of the proposal. I have concluded that the revised design of the proposed development is an appropriate design solution for the site, does not cause injury to the streetscapes along Sallynoggin Road and Glenageary Avenue, and does not have a significant negative effect on the amenity of the local surrounding area.
- 8.6.13. In terms of overbearance as a component of residential amenity, as the site is presently vacant (grassland) and bound with paladin mesh fencing, the visual effect exerted on the northwestern properties on Sallynoggin Road Lower and Sallynoggin Villas, and on the southern properties on Glenageary Avenue is very subtle. The proposal comprises the total redevelopment of the site with new buildings, landscaping, boundaries, and public realm improvements. For adjoining residences (in particular those on Sallynoggin Road Lower and Sallynoggin Villas, and to a lesser extent those on Glenageary Avenue, Parnell Street, and Sarsfield Street), the proposed development will unavoidably result in a change in outlook from that which currently exists due to the inconspicuous nature of the site.
- 8.6.14. However, I do not consider the extent of change to be excessive (recommended revisions with omission of floor levels and a reduction in scale and massing, stepped building heights, staggered building lines, new landscaping, and screening) or adverse (proposal is well designed with high quality features, finishes, and boundary treatments). In and of itself, I consider the redevelopment of the site to be an

improvement in terms of visual effect and visual amenity for the area. In summary, I do not consider the extent of the change in outlooks from the adjacent dwellings to be adverse or significant, nor that the proposal exerts an overbearing visual impact which would be injurious to the residential amenity of the adjacent properties.

Disturbance and Nuisance

- 8.6.15. In respect of the construction phase activities, I have reviewed the relevant reports, including the Construction and Environmental Management Plan (CEMP), Resource and Waste Management Plan (RWMP), Noise and Vibration Impact Assessment (NVIA), the Traffic and Transport Assessment (TTA), and the phasing plans (three phases indicated). Concerns raised in the appeal grounds are typical of impacts that arise during site developments adjacent to residential properties. The provisions and mitigation measures included in these reports (site set up, local stakeholder management, access and traffic management, noise, dust and vibration management, and working hours) will ameliorate the impacts. I consider the impacts to be temporary, localised, managed, and not significant in effect. Of the potential for traffic disruption, I note that the Transportation Section report did not raise any specific concerns, accordingly, I consider the increased traffic movements can be absorbed into the local road network. I consider the three phases indicated in the phasing plans, commencing with Block A and basement, then Block B, then the interconnecting bridge, to be a logical approach to the site development.
- 8.6.16. In relation to noise and antisocial behaviour, I acknowledge concerns in relation to noise disturbance with a particular focus on the use of the green roofs for amenity purposes. However, I note the findings of the NVIA (e.g., construction phase impact of slight to moderate, operation phase impact of none and/ or imperceptible to slight) and the range of mitigation measures therein. Several protective measures are also outlined in the applicant's Operational Management Plan (opening hours of facilities, controlled access to same, time-restricted access to roof terrace areas), and I note that the upper storeys of the scheme are themselves in residential use, that residents will be subject to the noise prevention requirements of the management company.
- 8.6.17. The planning authority and the Environmental Health Office did not express concerns over noise impacts. I recommend conditions be attached to address any

undue noise disturbance at both construction and operation phases (e.g., final agreement on/ implementation of the measures in the CEMP, TTA, NVIA, Operational Management Plan), limiting of noise levels from the proposed development (commercial units, gym, residential amenity area, roof terraces) during certain time periods.

Policy Considerations

8.6.18. Key policy considerations for residential amenity include 2022 CDP Objective PHP20: Protection of Existing Residential Amenity, Objective RET7: Neighbourhood Centres, and Section 13.1.2 Transitional Zonal Areas. The appeal grounds include that the proposed development does not comply with same due to failing to protect existing residential amenity.

8.6.19. In undertaking this assessment, I have been cognisant of the proposed development's impact on residential amenity, which has resulted in my recommending revisions to the scheme. Subject to which, I consider that the scheme is an infill development of greater, but not of excessive, density and building height than adjacent residential areas (acceptable principal dimensions for the urban block, buildings heights ranging from 3-6 storeys, in compliance with the BHS performance test), is not overly dominant in form (two interconnected blocks, stepped building heights and staggered building lines), is of a design (privacy protection features, use of opaque glazed windows) and layout (building footprints, sufficient separation distances) that has regard to and protects the amenities of adjacent residential properties, and comprises uses (services, retail, and predominantly residential) which are compatible with the adjacent more sensitive residential zoning. Accordingly, I consider the proposal is consistent with the applicable 2022 CDP objectives.

Future Residential Amenity

8.6.20. Key considerations in determining the level of amenity for future residents of the scheme include the apartment unit mix, accommodation design and standards, and open space provision and function. The proposed development is subject to the requirements of national policy in the Sustainable Residential Development Guidelines and the Apartment Guidelines, both of which include several mandatory

SPPRs, and specific local policy in the 2022 CDP (see section 6.0 above of this report). I address each item in turn.

Apartment Unit Mix

8.6.21. As outlined in sections 8.3 and 8.5 above, I recommend to the Board that changes be made to the scheme to address issues in respect of excessive residential density and inappropriate height, scale, and massing respectively. I also recommend the changes due to substandard future residential amenity (discussed in the following subsection). The revisions reduce the scheme from 138 apartments to 95 apartments. Table 7 below outlines the proposed and revised apartment unit mix for the scheme, in which the key changes are apparent.

Table 7: Apartment Unit Mix – Proposed and Revised

Proposed					
Unit Type	1 bed/ 2P	2 bed/ 3P	2 bed/ 4P	3 bed/ 5P	Total
Block A	8	2	17	14	41
Block B	29	4	51	13	97
Total	37	6	68	27	138
% of Total	27%	4%	49%	20%	100%
Revised					
Unit Type	1 bed/ 2P	2 bed/ 3P	2 bed/ 4P	3 bed/ 5P	Total
Block A	7	2	14	9	32
Block B	16	3	32	12	63
Total	23	5	46	21	95
% of Total	25%	5%	48%	22%	100%

8.6.22. The 2022 CDP incorporates several of the SPPRs and recommendations of the Apartment Guidelines. In respect of apartment unit mix, 2022 CDP Section 12.3.3.1 Residential Size and Mix, and Table 12.1 (based on a HNDA) align with SPPR 1. For the proposed development, the 2022 CDP requires a minimum of 20% of the total units to comprise 3 bedroom + units (with 1 and 2 bedroom units comprising up

to 80%). I confirm to the Board that the revised proposal (22% are 3 bedroom units) complies with the 2022 CDP policy.

8.6.23. In considering the impact of the proposal (as revised) on the receiving area, I estimate there to be a population increase of between c.257-350 persons. This range is based on the 2022 Census average household for Dun Laoghaire (2.71 persons x 95) and the total number of bedspaces (46, 15, 184, 105). The 2022 Census figures for Sallynoggin East ED, in which the site is located, is 2,941 persons so proposed development represents an c.8.7%-11.9% increase in population to the area. Having regard to the unit mix and proportion of 2 bedroom units, I consider a population increase nearer the County average to be more realistic (i.e., c.257 persons, c.8.7%). While appellants oppose the increase of people to the area, I consider this proportion to be within acceptable parameters for built-up urban areas such as Sallynoggin/ Glenageary with several services and facilities, and to be in line with national/ local policy for planned and targeted growth.

8.6.24. In addition to offering a satisfactory mix of unit types within the scheme, I consider the delivery of this quantum of apartments will contribute to the existing residential offer available in an area characterised by low density, detached dwellings and allow for varying household formations, thereby complying with 2022 CDP Section 4.3.2.3, Policy Objective PHP27: Housing Mix and Section 12.3.3.1, Residential Size and Mix.

Accommodation Design and Standards

8.6.25. As part of my assessment, I consider that the design and layout of certain apartments result in poor amenity outcomes for future residents and recommend revisions to the proposed development accordingly. The apartments about which I have concerns are located in Block B at the intersection point between the main body of the building (northeast-southwest alignment) and the projecting arm (northwest-southeast alignment) (see Dwg No. GAV-JFA-ZZ-EL-DR-A-PA4002). Due to the angle of this intersection point, the apartments on the southwest elevation (main body of Block B) directly oppose those apartments sited closest to the intersection point on the west elevation (projecting arm). SPPR 1 of the Sustainable Residential Development Guidelines requires a minimum of 16m separation

distances between opposing windows serving habitable rooms at the sides of apartment units above ground floor level.

8.6.26. At ground floor level, B1-0.01, B1-0.02, and B2-0.01 are single aspect units located adjacent to commercial/ communal uses with minimal private amenity space and restrictive boundary treatments. I consider these apartments, in particular B2-0.01 at the intersection point, to offer poor amenity for future residents and I recommend these apartments be omitted and repurposed as retail floorspace. In the upper storeys of Block B (at the intersection point on 1st-5th floor levels), the balconies of the apartments on the west elevation (projecting arm of Block B) are between c.0.2m-c.1.2m from, and directly overlooked by, the bedroom windows of the apartments on the southwest elevation (main body). I consider this arrangement to be particularly poor, resulting in highly intrusive conditions for residents of both the west and southwest apartments and in substandard levels of privacy.

8.6.27. In having reviewed the plans and elevations, an acceptable alternative location for the balconies of the apartments on the west elevation at this intersection point is not available. I consider the alternative option of requiring obscure glazing on the bedroom windows of the apartments on the southwest elevation to be unsatisfactory resulting in substandard conditions for these units as the rooms are only served by a single window. As such, I recommend to the Board (outlined in Table 4 above) that the apartments (at the intersection point) B2-1.01, B2-2.01, and B2-4.01 are omitted from the 1st, 2nd, and 4th floors respectively, and the released floorspace is amalgamated into the adjacent B2-1.02, B2-2.02, and B2-4.02 to form larger 3 bedroom apartments. At the 3rd floor level, I recommend the full storey of both blocks be omitted, and at 5th floor level, I recommend the removal of part of the floorspace of B2-05.01 and the remaining floorspace be amalgamated into a revised 5th floor level floorplan with a footprint/ layout the same as that proposed at 6th floor level for B1-6.03 and B1-6.04. The private amenity space of the amalgamated apartments will continue to be the balconies located to the front (northeast) elevation, as currently proposed (see Dwg No. GAV-JFA-ZZ-EL-DR-A-PA4000), thereby removing the requirement for any balconies on the western elevation of the projecting arm. In the revised elevations of the west elevation (of the projecting arm of Block B), I recommend that windows (replacing the omitted balconies) serving the new floor space be of a high level design to avoid overlooking of the directly

opposing southwest balconies of the main body of Block B, thereby ensuring compliance with the requirements of SPPR 1 of the guidelines.

- 8.6.28. The revised proposal includes for 95 apartments, comprising a mix of 1, 2, and 3 bedroom units. I have reviewed the plans, particulars and schedule of accommodation submitted with the application and confirm the proposal meets and/or exceeds all applicable standards and requirements of 2022 CDP Section 12.3.5, Apartment Development, which has incorporated the applicable SPPRs of the Apartment Guidelines. I highlight to the Board that my recommended revisions for the amalgamated apartments result in additional floorspace for the new units thereby not compromising the achievement of the required standards. These include 2022 CDP 12.3.5.5/ SPPR 3 and Appendix 1 (minimum floor, storage, private open space areas for 1-3 bedroom units), CDP 12.3.5.1/ SPPR 4, (50%/ 33% of scheme to be dual aspect units), CDP 12.3.5.6/ SPPR 5 (minimum floor to ceiling heights), and SPPR 6 (maximum number of apartments per floor level per core).
- 8.6.29. In respect of daylight and sunlight, using criteria from the industry standard guidelines BRE 209 2022, the applicant's DSA presents detailed technical analysis of the daylight (spatial daylight autonomy (SDA) test of habitable rooms using luminance levels) and sunlight (sunlight exposure (SE) test of habitable rooms and sun on the ground test for amenity areas) availability for the proposed development (apartments and open spaces). In the SDA test, 402 habitable rooms in the 138 apartments were tested of which 380/ 381 rooms met the BRE standards for APSPH/ WPSH (a compliance rate of c.95%). In the SE test, the 138 apartments were tested and levels of sunlight exposure recorded were high for 66 units, medium for 11 units, minimum recommendation for 29 units, and below the minimum recommendation for 32 units (an overall compliance rate of c.77%). In the sun on the ground test, three amenity areas (public, communal, and childcare open spaces) were tested and each received the BRE standard of at least 2 hours of sunlight in half the area on 21st March (a compliance rate of 100%).
- 8.6.30. In the analysis, reasons given for instances of non-compliance include the constrained locations of rooms at the inner corners of the scheme (such as those at the intersection point of the main body and projecting arm of Block B which are recommended to be omitted) or those in close proximity to the interconnecting bridge structure, the inclusion of the proposed trees in the calculations affects, and the fact

that it may not always be possible to achieve full compliance if a room in an apartment faces significantly north of due east or west. I consider the compliance rates to be relatively high, find the justification for instances of non-compliance to be reasonable, note the compensatory measures such as apartments or rooms having an outlook over open spaces, and consider that the recommended revisions (i.e., omission of certain apartments and the repurposing of the released floorspace into larger dual aspect apartments) will likely further improve the compliance rates from those outlined above. On balance, I consider the proposed development (apartments and open spaces) will have access to sufficient amounts of daylight and sunlight ensuring acceptable levels of residential amenity are achieved.

Open Space Provision and Function

- 8.6.31. Of relevance to the proposal, 2022 CDP Section 12.8.3 requires all new residential developments to contribute to open space. The contribution is 15% of the site area as public open space, in addition to a quantum of communal open space which is calculated on the basis of unit mix and bedspaces.
- 8.6.32. Open space for the scheme comprises public open space in the form of a public plaza at street level between the two buildings with hard and soft landscaping, and communal open space including a landscaped area with playground and two roof terraces at fourth floor (southern end of Block B) and fifth floor levels (top of the interconnecting bridge). The public plaza area is indicated as measuring c.1,848sqm (c.25% of the site area), while that for combined communal space is c.958sqm (I calculate that the proposed development as revised has communal open space requirement of c.656sqm). I note that quantitatively the provision of these spaces satisfies the requirements of the national planning guidelines (Sustainable Residential Development Guidelines and the Apartment Guidelines), and 2022 CDP policy objectives. I have had regard to the applicant's Landscape Design Strategy report, detailed landscape plans, roof terrace screening details, and planting programme, and am satisfied that the qualitatively the proposed development is of sufficient standard and will afford future residents satisfactory levels of amenity.
- 8.6.33. Overall, I consider the proposed development (subject to recommended revisions) is of a design, layout, and scale, with communal and private amenity spaces that will provide an acceptable standard of amenity for the future occupants of the scheme.

Due to the orientation of the blocks and staggered building lines at each storey, sufficient separation distances from boundaries, and screening treatments, I do not anticipate any adverse or unduly negative impacts on the amenity of the apartments or on open spaces within the scheme due to overlooking, overshadowing, or overbearance.

Conclusion

8.6.34. In conclusion, I have considered the residential amenity for existing and future residents. For existing residents, I have assessed overlooking, overshadowing, overbearance, disturbance and disruption. I consider that the proposed development, as revised and subject to attachment of appropriate conditions, will not injure the residential amenity of adjacent properties and the wider area. Further, I find that subject to condition, the future residents will be provided with residential accommodation of an acceptable standard and enjoy a high level of residential amenity. Therefore, I am satisfied that the proposal complies with the range of applicable 2022 CDP policy.

8.7. Traffic, Access, and Parking

8.7.1. Appeal grounds and observation issues include objections to several traffic related aspects of the proposal including the volume of traffic generated, the adverse impact on the adjacent roads and junctions, the creation of dangerous conditions for road users, the insufficient provision of parking/ set down areas, the resultant overspill and illegal parking on surrounding streets, with particular nuisance to Glenageary Avenue residents. I propose to address each item in turn below.

Traffic Generation

8.7.2. The proposed development includes 80 car parking spaces at basement level (including two car sharing spaces), one set down area on Sallynoggin Road, and two set down areas on Glenageary Avenue (one serving as a drop-off for the childcare facility with a disabled parking space, and the other serving a dual purpose of loading area and visitor parking (c. 2 spaces)). There are no dedicated car parking spaces for the commercial floorspace (basement or street levels). The proposal includes for 310 cycle spaces, including 254 spaces at the basement level for residential related use and 56 spaces (Sheffield stands) at street level for shared use by the commercial units. The proposal also includes notable public realm

improvements, including enlarged footpaths, soft and hard landscaping along Sallynoggin Road and particularly on Glenageary Avenue.

- 8.7.3. In respect of traffic generation and claims regarding the adverse impact on junctions and the road network, I have reviewed the Traffic and Transport Assessment (TTA) submitted with the application which includes travel demand analysis, TRICS outputs, and junction analysis (three junctions, J1-J3). The estimated vehicular trips for the scheme are 72 in/out trips in the AM peak and 90 in/out trips in the PM peak (figures taken from Appendix 2, slight variations in report). This trip generation is distributed from the proposed entrance onto Glenageary Avenue (J3, 100%), from Glenageary Avenue to Sallynoggin Road (J1, T junction, c.50% directional split), and from J1 to the Glenageary Roundabout (J2, several arms, various %).
- 8.7.4. These trips are calculated as resulting in a 164% and 130% increase on the baseline trips (AM and PM peaks) on Glenageary Avenue (J3), 8% and 9% at J1, and 1% and 2% at J2. In respect of J3, the TTA states the percentage increase is so notable due to the existing low levels of traffic along Glenageary Avenue (I note the road is a low density, low trafficked cul de sac). To determine the degree of impact, the junction is analysed in terms of ratio to flow capacity and queue length. At J3, both parameters for the opening year (and other design years of 2030 and 2040) are found to be acceptable as these indicate the junction will operate within capacity. The TTA concludes anticipated levels of traffic generated from the proposal would not negatively impact on the surrounding road network.
- 8.7.5. While I note appellants and observers' concerns regarding the adverse impact at junctions (particularly with Glenageary Avenue) and the local road network, I consider the applicant's assumptions, analysis, and predictions in the TTA to be reasonable. Further, I have reviewed the applicant's Mobility Management Plan (MMP) and the planning authority's Transportation Section report. I note that no issues are raised regarding vehicular traffic generation, nor are any undesirable trip patterns, at-capacity junctions, or congested roads identified in the local network.
- 8.7.6. In similarity with the applicant's TTA, I find the applicant's analysis and recommendations in the MMP (the basis of which is to minimise and discourage dependency on private car travel), and to manage and optimise the car parking and set down areas) to be reasonable and note that the planning authority accepted

same. The appellants have not provided any evidential traffic assessment to counter the applicant's position or to demonstrate their case. In this regard, I am satisfied that the proposed development would not generate unacceptable or excessive levels of traffic, have a detrimental impact on the carrying capacity or performance of the analysed junctions, or have an adverse impact on the local network.

- 8.7.7. In respect of other modes of transport, I consider these (pedestrian, cyclist, public transport) will likely comprise a significant proportion of overall trips, certainly to balance the potential private car usage. Pedestrian movements are likely as the proposal will increase footfall in the immediate area but the improvements to the footpaths along Sallynoggin Road and Glenageary Avenue (new layout, increased circulation spaces, landscaping) will comfortably accommodate same. The proposal caters for and encourages increased cycle movements with details provided in the MMP and Cycle Audit about planned on-road infrastructure and laneways, and within the scheme (cycle parking spaces (surface and basement), shared use of spaces (residential and commercial), bike rental schemes, ramp to basement level, signage, and lane layout). Public transport details (bus, DART services) are provided in the TTA and MMP of stop locations, accessibility, frequency of services. The services provide access to the key destinations of Dublin City and Dun Laoghaire from the proposed development thereby providing real alternatives to private car travel and limiting traffic generation.

Access Arrangements, Traffic Hazard, and Public Safety

- 8.7.8. In respect of access arrangements, there is strong opposition in the appeals to the proposed entrance of the scheme being located on Glenageary Avenue, reasons cited include public safety, traffic hazard, and nuisance. Vehicular access to the scheme is via a two-lane ramp from street level to the basement level. Appellants request that the entrance to the scheme be via that of the existing Lidl supermarket operation on Sallynoggin Road.
- 8.7.9. The applicant's TTA and Quality Audit provide details on the proposed entrance, design standards (DMURS), speed survey, visibility, safety review, and autotrack analysis. The Quality Audit identified changes to address potential safety issues at the entrance (measures to prohibit parking in visibility splays, location of signage) and also to the wider scheme including footpaths (dropped kerbs, sufficient space,

markings for desire lines), junction crossing points (tactile paving materials), set down areas (dimensions, markings) which were made to the scheme. The proposed entrance onto Glenageary Avenue, and also the basement level layout, parking spaces, and set down areas are demonstrated to be appropriately designed and safe for all users.

- 8.7.10. The planning authority's decision incorporates several conditions from the Transportation Section including the requirement for a cycle lift to basement level (in addition to the shared access ramp) and 'Stop' road marking and signage at the entrance point. In respect of public safety, I note that the Transportation Section accepts the location of the proposed entrance, does not raise any issue in relation to increased traffic movements on Glenageary Avenue, or determine that the entrance would be a traffic hazard with an increase in risk to public safety.
- 8.7.11. Having reviewed the above documents (and noting the previously referred to moderately scaled traffic generation of 72 AM peak trips and 90 PM peak trips), I consider that the proposed entrance has been designed to required standards (Quality Audit, DMURS Statement of Compliance in the TTA), and can operate safely subject to the improvements sought in the conditions recommended by the planning authority. In particular, I concur with the requirement for an internal cycle lift as an alternative access for cyclists given there are 254 spaces provided at basement level serving residents, visitors, commercial units staff.
- 8.7.12. On balance, having reviewed the applicant's TTA, MMP, the Transportation Section's report, and travelled the area, I consider the site to be located within an established, serviced urban area with safe, visible, and publicly lit footpaths, cycle paths, and road network, that the movements associated with the proposed development will not be excessively dominated by private car trips (pedestrian, cyclist and public transport trips will feature), and that these can be absorbed safely into the existing local transportation infrastructure. I accept the applicant's position and concur with the planning authority that the proposal, as recommended to be revised, would not constitute a traffic hazard or risk to public safety on Glenageary Avenue or surrounding road network.

Parking and Demand Management

- 8.7.13. The site is located in Parking Zone 3 in the 2022 CDP which specifies the number and type of car and cycle spaces required for certain uses with relevant associated policy (e.g., Section 12.4.5.1, Parking Zones, see section 6.4 of this report above). At the time of the planning authority decision, the 2022 CDP policy on parking was in effect and the applicant's documentation refers to same accordingly. I highlight to the Board that the residential component of the proposed development is now subject to the mandatory requirements of the updated Sustainable Development Guidelines.
- 8.7.14. The proposed development provides for 80 car parking spaces at basement level for residents, three spaces at street level for shared purpose/ visitor use, and no spaces specifically for commercial use. Cycle spaces include 254 spaces at basement level for residential related use (documentation also states staff of commercial units will have access to basement cycle spaces) and 56 spaces at street level for shared use. As outlined in section 8.3, I recommend revisions be made to the proposed development including a reduction in the overall number of apartments from 138 units to 95 units (with an overall total of 188 bedrooms). I do not recommend any change to the number of parking spaces at the basement level.
- 8.7.15. In respect of parking provision, the requirements of the Sustainable Development Guidelines apply to the residential component of the proposal, under which I categorise the site as being an accessible location. For car parking in residential developments in such locations, SPPR 3 of the guidelines restricts the maximum rate to 1.5 no. spaces per dwelling (exclusive of visitor spaces). The residential component of the proposal (subject to revision) generates a car parking requirement of a maximum of 142.5 spaces (excluding visitors).
- 8.7.16. Having regard to the requirements of SPPR 3, the accessible nature of the site, the pedestrian improvements incorporated into the scheme, the extent of planned cyclist infrastructure at the site, the range of public transport provision in the wider area, and the operation of the scheme being under the control of a management company, I consider the provision of 78 resident use spaces (at basement level) and five shared use spaces (two at basement level, three at street level) to be acceptable.
- 8.7.17. In respect of parking for the commercial component of the scheme, the proposal incorporates a set down area for the childcare facility on Glenageary Avenue which,

as outlined in the TTA and MMP, will be managed during certain time periods by the management company. Similarly, the other set down areas on Sallynoggin Road and Glenageary Avenue serve as loading bays, servicing the commercial units. While I acknowledge that there are no specific parking spaces for the commercial units and note the concerns raised by appellants, I consider the alternatively proposed set down areas are acceptable as I am satisfied that the flexible approach to standards, as allowed for under 2022 CDP Section 12.4.5.2, Application of Standards, can be applied to the proposal. This is due to the proposal being a mixed-use infill development, incorporating public realm improvements, being at a convenient and accessible location, close to public transport options, and serving an established local residential catchment. Further, the site is zoned as 'NC' Neighbourhood Centre.

- 8.7.18. For cycle parking for the residential component of the proposal, SPPR 4 of the Sustainable Development Guidelines requires a minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility. The proposal (subject to revision) generates a cycle parking requirement of a minimum of 188 spaces (excluding visitors). As the cycle parking is notably in excess of this minimum figure, and of a suitable design (dedicated facility of permanent construction), the proposed cycle parking should align with these mandatory requirements. I recommend the attachment of a condition for updated proposals (for residential and commercial floorspace) to be submitted to the planning authority for its agreement which would ensure there is sufficient quantity and acceptable design of same.
- 8.7.19. In respect of overflow car parking in adjacent streets, I have reviewed the TTA and MMP, both of which have several objectives to minimise private car use. The latter promotes alternative transport modes for residents and/ or staff of the proposal (pedestrian, cycling, public transport, car sharing) and outlines the management of scheme including employment of a MMP coordinator. I have reviewed the TTA and Construction Environmental Management Plan (CEMP), both of which include traffic management details with measures for parking for workers/ deliveries for contractors (parking within site boundaries, use of existing set down area).
- 8.7.20. I consider that the parking management measures will be effective in minimising potential for overflow car parking into adjacent streets as raised by several

observers. Further, I find that the reasons the limited on-site parking space provision is acceptable also address appellants' concerns relating to potential overflow parking. These include that high demand for car parking spaces is not likely due to the mixed-use nature of the scheme, that the majority of trips are likely instead to be made by pedestrians accessing services, facilities, and amenities within the local area, and that vehicular trips which do occur are likely to be drop-offs and of short duration. The applicant submits that inappropriate parking associated with the proposal can be managed, which was accepted in principle by the planning authority, and with which also I concur.

Conditions

- 8.7.21. The planning authority attached 15 conditions to its decision to grant permission which related to traffic and transport, several requiring prior to commencement agreement on technical calculations, design features, and methods of construction (see section 4.0 above of this report). I recommend that standard conditions be attached requiring final agreement with the planning authority on the CEMP, MMP, taking in charge arrangements for the publicly accessible footpaths and set down areas on Sallynoggin Road and Glenageary Avenue, and for the design, layout, signage, and/ or control for the entrance, car, and cycle spaces. Further, I concur with the planning authority's conditions on more specific items such as the provision of an internal cycle lift to the basement level and the reservation of the route of the '6 Year Road Objective' along the R118.

Conclusion

- 8.7.22. In conclusion, while I acknowledge third party concerns in respect of traffic, access, and parking arrangements for the proposal, I consider that the proposal, as recommended be revised, incorporates several measures to ameliorate and/ or prevent undue transportation related impacts. I am satisfied that the proposal is acceptable in terms of pedestrian, cyclist and traffic safety and convenience. In the event of a grant of permission, I recommend that standard and project specific conditions be attached requiring final agreement with the planning authority.

8.8. Water Services and Utilities

- 8.8.1. Appeal grounds and observation issues include the increase in population, and concerns associated with demands on water services and capacity constraints in the

public systems. Appellants have not provided any evidence per se of capacity issues.

- 8.8.2. In respect of water and wastewater, water supply proposals include connection to the public mains in Sallynoggin Road with a supply tank installed at the basement level. Wastewater drainage proposals include connection to the public sewers in Sallynoggin Road and Glenageary Avenue, inclusive of surface water runoff (drained via a petrol interceptor) collected at the basement level. I note that Uisce Eireann has provided Confirmations of Feasibility (appendices in the Infrastructure Report) confirming that there is sufficient capacity and infrastructure upgrades are not necessary to either system to facilitate the proposed development. Accordingly, I consider subject to standard conditions, proposed connections to the systems are acceptable.
- 8.8.3. In respect of surface water, the surface water drainage proposals include a combination of SuDS measures (green roofs, soft landscaping, tree pits, permeable paving), on-site attenuation (blue roofs, attenuation tank, podium slab above basement level, i.e., at street level with permeable paving), and discharge to the existing surface water sewer adjacent to the southwest (Lidl supermarket, third party consent provided) and to the public system in Sallynoggin Road. The SuDS and attenuation measures allow for the controlled discharge to the sewer at a GDSDS compliant rate. The blue roofs and attenuation tank are indicated to have sufficient capacity to ensure no flooding for the 1 in 100-year storm event. The site-specific Flood Risk Assessment (FRA) confirms there is no on-site flood risk associated from any type of flooding event up to the 100-year event inclusive of climate change allowance.
- 8.8.4. I note that the planning authority does not raise any issue in respect of surface water drainage capacity. The planning authority attached 11 conditions to its decision to grant permission related to surface water drainage, several requiring prior to commencement agreement on technical calculations, design features, and methods of construction (see section 4.0 above of this report). Issues raised/ requirements in those conditions remain applicable and, due further to the recommended revisions, I consider that it is appropriate for the proposed surface water drainage system to be subject to condition requiring agreement with/ to the satisfaction of the planning authority.

8.9. Other Matters

- 8.9.1. Appeal grounds and observation issues include the adverse impact on wildlife and biodiversity associated with the development of the site. However, I note that the site is comprised of grasslands with no notable tree cover or hedgerow boundaries. The EcIS indicates that the site is not under any wildlife or conservation designation. The site surveys did not record any rare or protected plant species, protected mammal species, or habitats of more than low local biodiversity value. The site is determined to have no key ecological receptors and no evidence of habitats or species with links to European sites. The AASR outlines there are no connections to and therefore no effect on any designated European sites. As such, I am satisfied that subject to condition requiring the agreement on and implementation of the CEMP, that the proposal will not be injurious to biodiversity or natural heritage of the area.

9.0 Appropriate Assessment

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

- 9.1.1. The requirements of Article 6(3) of the EU Habitats Directive relating to screening the need for appropriate assessment of a project under section 177U, part XAB of the Planning and Development Act 2000, as amended (2000 Act), are considered fully in this section of my assessment.

9.2. Background on the Application

- 9.2.1. The applicant submitted an Appropriate Assessment screening report (AASR) with the application for the proposed development (i.e. project). The AASR is supported by a range of relevant reports to which I have had regard. Key among these include the following:

- Ecological Impact Statement.
- EIA Screening Report
- Infrastructure Report.
- Construction and Environmental Management Plan (CEMP).
- Resource and Waste Management Plan (RWMP).

- Flood Risk Assessment.

- 9.2.2. The applicant's AASR provides a description of the project, the characteristics of the project site, and identifies 21 European sites (pg. 12) that fall within a precautionary zone of influence (defined by a 15km radius of the site, and known water supply source). Following pathway analysis, 15 of these European sites are excluded from the established zone of influence due to there being no ecological connections, or hydrological connections between the project and the identified European sites (no direct surface watercourses, dilution effect of Dublin Bay coastal waters).
- 9.2.3. The project is identified having potential hydrological connections to the remaining six European sites. These are via wastewater flows to the Ringsend Wastewater Treatment Plant (WWTP) and treated wastewater discharge to Dublin Bay at Poolbeg (observable effect from the WWTP discharge is noted on the 'near field' of the inner Liffey Estuary and Tolka Estuary (i.e., not Dublin Bay coastal waters), and via water supply from Poulaphouca Reservoir. There are no surface water hydrological connections identified to any European site. The six European sites within the project's zone of influence are North Dublin Bay SAC, North Bull Island SPA, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North-West Irish Sea SPA, and Poulaphouca Reservoir SPA.
- 9.2.4. The AASR considers the potential significance of effects. Of habitat loss and habitat disturbance/ ex-situ impacts, there are no potential effects due to the absence of any connecting pathways and the distances to European sites. Of pollution impacts during construction and/ or operation phases, there is no likelihood of surface water effects due to the absence of connecting pathways, there is potential for dust pollution but not significant due to the distances, and there is potential for nutrient input pollution but not significant due to the limited amount of additional wastewater load and that the scientific data suggests that same is not affecting the conservation objectives of the most proximate European site, South Dublin Bay and River Tolka Estuary SPA. Of abstraction impacts, there is no likelihood of significant effects on the Poulaphouca Reservoir SPA as scientific data suggests that abstraction is not affecting the conservation objectives of the SPA.
- 9.2.5. Overall, the AASR concludes that: *'...the possibility of any significant impacts on any European Sites, whether arising from the project itself or in combination with other*

plans and projects, can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available.'

- 9.2.6. Having reviewed the AASR and the other relevant reports, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

9.3. Screening for Appropriate Assessment

- 9.3.1. The first test of Article 6(3) is to establish if the project could result in likely significant effects to a European site. This is considered Stage 1 of the appropriate assessment process, that being, screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and appropriate assessment carried out.
- 9.3.2. The project is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 9.3.3. The project is examined in relation to any possible interaction with European sites designated SACs and/ or SPAs to assess whether it may give rise to significant effects on any European site.

9.4. Brief Description of Project

- 9.4.1. The project site is located at the junction of Sallynoggin Road, Glenageary Avenue and Glenageary Roundabout. The project is an infill development on a brownfield site within a wider developed urban block. The site is presently vacant, as site clearance works were completed under a previous planning permission, with boundaries including paladin mesh fencing.
- 9.4.2. The site is comprised entirely of dry meadow habitat. There are no watercourses at or adjacent to the site, Deansgrange Stream is the most proximate located c.1.5km to the southwest (crow-flies). The site is a similar distance to coastal waters with Dun Laoghaire coastline/ Irish Sea being c.1.5km to the northeast (also crow-flies).
- 9.4.3. The proposed development comprises the following the key elements:

- A mixed-use scheme comprised of two interconnected buildings, 4 to 7 storeys with commercial units (restaurants, shops, childcare facility) at ground floor level, and 138 apartments in the upper floor levels.
- New vehicular entrance and a basement level for car and cycle parking.
- Public and communal open spaces with hard and soft landscaping and new boundary treatments.
- Subsurface infrastructure connects to the existing water supply, wastewater, and surface water networks (surface water runoff in the basement level discharges via a petrol interceptor to the wastewater system).
- Surface water drainage system is inclusive of SuDS measures (blue and green roofs, soft landscaping, tree pits, permeable paving).

9.4.4. The Ecological Impact Statement (same author as AASR) indicates that the site is not under any wildlife or conservation designation. The site surveys did not record any rare or protected plant species, protected mammal species, or habitats of more than low local biodiversity value. The site is determined to have no key ecological receptors and no evidence of habitats or species with links to European sites.

9.4.5. Taking account of the characteristics of the proposed development in terms of the site's features, location, ecological and hydrological connectivity, and the nature and scale of the proposed works, I consider that an examination in terms of implications for likely significant effects on European sites reasonably relates to:

- Operational phase related wastewater pollution.

9.5. Submissions and Observations

9.5.1. In the planning authority report, the planning officer notes the applicant's AASR, undertakes an appropriate assessment of the proposed development and concludes the proposed development will not adversely affect the integrity of any European site. The planning authority grants permission for the proposal subject to several conditions. These include conditions relating to construction phase management and surface water drainage design and management arising from the internal reports of the Water Services and Environmental Enforcement/ Waste Management sections.

- 9.5.2. A report was not received by the planning authority from Uisce Eireann, though confirmations of feasibility for connections to the public water supply and wastewater systems accompany the application. The appeal grounds include that an inadequate AA screening was undertaken by planning authority based on inadequate information provided by the applicant (e.g., bird surveys in AASR).

9.6. European Sites Likely to be Affected

- 9.6.1. The appeal site is not located in or immediately adjacent to a European site. I have reviewed available sources of information including that provided in the applicant's AASR. I note the range of European sites (21) identified by the applicant in the preliminary examination. I concur with the applicant's exclusion of 15 of these sites from the subsequent established zone of influence due to the absence of an ecological or hydrological connection.
- 9.6.2. I also consider it reasonable to exclude the Poulaphouca Reservoir SPA from my preliminary examination. This is due to the weak, indirect nature of the hydrological connection (water supply to the project from a distance of c.26km), the scale of the project (medium scaled scheme), the demand on water abstraction from the reservoir likely being negligible (operates on a regional context), the likelihood of there not being significant effects on the SPA, its conservation objective or QIs (greylag goose, black headed gulls), and the reference in the AASR to the scientific data indicating that the operation of the reservoir is not affecting the conservation objectives of the SPA.
- 9.6.3. As established in the applicant's AASR, and supported by associated engineering and flood risk documentation, there are indirect hydrological connections observed between the site and five European sites in Dublin Bay (wastewater drainage pathway from project via foul sewers to Ringsend WWTP to Dublin Bay). I concur with the applicant's identification of the European sites in the project's zone of influence and recommended these be screened in for the need for appropriate assessment.

9.7. Identification of Likely Effects

- 9.7.1. As outlined above, the project site does not have any habitats that are associated with species or habitats for which SPAs or SACs are designated, so there is no pathway for loss or disturbance of species or habitats associated with the QIs of the

European sites (I agree with the applicant's appeal response in dismissing criticism of bird surveys as irrelevant in the appeal grounds). The project is not likely to affect amenity use at the European sites due to its location and the separation distances involved. While the project will result in additional dust, noise, and light disturbance, similarly due to the separation distances to the European sites, any effects are not likely significant.

- 9.7.2. Potential hydrological (water supply, surface water, groundwater) connections are such that effects can be reasonably excluded due to the absence of strong, direct pathways to the European sites (no watercourses at or adjacent to the site), the site development works being managed and controlled in accordance with the CEMP and RWMP, the project's water services infrastructure connecting into the public systems which have sufficient capacity (regional water supply source), and the project incorporating attenuation and SuDS measures including of a climate change allowance (on-site attenuation, collection and discharge to the public system renders any surface water, and by association groundwater, pollution event as not likely significant).
- 9.7.3. Therefore, it is only due to operation phase related wastewater pollution that implications for likely significant effects on the European sites may arise. The hydrological connection from the site to the European sites is such that wastewater from the project during operation phase activity will be pumped via the existing public system for treatment in Ringsend WWTP and then discharge into Dublin Bay. I have had regard to information provided in the AASR. Currently emissions from the Ringsend WWTP are not in compliance with the Urban Wastewater Treatment Directive. The Ringsend WWTP has been granted permission to upgrade Ringsend WWTP, which will improve treatment standards and increase network capacity. Evidence also suggests that in the current situation, some nutrient enrichment (pollution) is benefiting wintering birds for which the SPAs have been designated in Dublin Bay.
- 9.7.4. Taking into consideration the comparably small quantum of wastewater discharge from the project, the lack of strong, direct hydrological connections, the distances between the project and European sites, and the dilution effect with other wastewater and surface runoff, I consider that significant effects are unlikely. Further, no negative impacts to the European sites can arise from additional loading

on the Ringsend WWTP as a result of the project as there is no evidence that negative effects are occurring to SACs or SPAs from water quality.

- 9.7.5. In respect of potential for in-combination impacts, from a review of the applicant's documents and the planning register, I note that there have been several small-scale developments in the vicinity of the project site with some largescale developments permitted in the wider vicinity of the site. These have been subject to construction management, surface water drainage and wastewater treatment requirements through planning conditions. I note that a Natura Impact Report has been prepared for the Dún Laoghaire Rathdown County Development Plan 2022-2028 which required water environment protection measures to be incorporated into CDP policy and objectives. Accordingly, by association, no likely significant effects will arise on the European sites as a result of any in-combination effects from the project with individual planning applications or plans.
- 9.7.6. A summary of the five European sites including their conservation objectives and qualifying interests, the nature of the connection (source-pathway-receptor) to the site, and the possibility of likely significant effects arising from the project are presented in Table 8 below.

Table 8: Summary of Screening Matrix

European Site Code/ Conservation Objective	Qualifying Interests/ Special Conservation Interests	Distance from Site/ Connection (source, pathway, receptor)	Likely Significant Effect	Screening Conclusion
<u>South Dublin Bay and River Tolka Estuary SPA (site code 004024)</u> To maintain the favourable conservation condition of the bird species (including the Annex I listed, bird species), and the wetlands habitat for which the SPA	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137]	c.2.1km Indirect hydrological connection between the project (source), wastewater drainage to Ringsend WWTP for treatment (pathway), with discharge of treated wastewater to Dublin Bay and the European Site (receptor).	No likely significant effects arising on the water quality of Dublin Bay from wastewater pollution during the operation phase of the project as the project incorporates a certified standard of design and construction,	Screened out for need for AA

has been designated.	<p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Roseate Tern (Sterna dougallii) [A192]</p> <p>Common Tern (Sterna hirundo) [A193]</p> <p>Arctic Tern (Sterna paradisaea) [A194]</p> <p>Wetland and Waterbirds [A999]</p>		connection to water services networks, treatment of foul effluent to necessary standard that will prevent wastewater pollution.	
<p><u>South Dublin Bay SAC (site code 000210)</u></p> <p>To maintain the favourable conservation condition of the Annex I/ Annex II habitats and/ or species for which</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals</p>	<p>c.2.3km</p> <p>Indirect hydrological connection between the project (source), wastewater drainage to Ringsend WWTP for treatment (pathway), with discharge of treated wastewater to Dublin</p>	No likely significant effects arising on the water quality of Dublin Bay from wastewater pollution during the operation phase of the project as the project	Screened out for need for AA

the SAC has been designated.	colonising mud and sand [1310] Embryonic shifting dunes [2110]	Bay and the European Site (receptor).	incorporates a certified standard of design and construction, connection to water services networks, treatment of foul effluent to necessary standard that will prevent wastewater pollution.	
<p><u>North-West Irish Sea SPA (site code 004236)</u></p> <p>To maintain or restore the favourable conservation condition of the bird species for which the SPA has been designated.</p>	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Manx Shearwater (<i>Puffinus puffinus</i>) [A013]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Little Gull (<i>Larus minutus</i>) [A177]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p>	<p>c.7.3km</p> <p>Indirect hydrological connection between the project (source), wastewater drainage to Ringsend WWTP for treatment (pathway), with discharge of treated wastewater to Dublin Bay and the European Site (receptor).</p>	<p>No likely significant effects arising on the water quality of Dublin Bay from wastewater pollution during the operation phase of the project as the project incorporates a certified standard of design and construction, connection to water services networks, treatment of foul effluent to necessary standard that will prevent wastewater pollution.</p>	<p>Screened out for need for AA</p>

	<p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Great Black-backed Gull (<i>Larus marinus</i>) [A187]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p>			
<p><u>North Dublin Bay SAC (site code 000206)</u></p> <p>To maintain or restore the favourable conservation condition of the Annex I/ Annex II habitats and/ or species for which the SAC has been designated.</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows</p>	<p>c.7.36km</p> <p>Indirect hydrological connection between the project (source), wastewater drainage to Ringsend WWTP for treatment (pathway), with discharge of treated wastewater to Dublin Bay and the European Site (receptor).</p>	<p>No likely significant effects arising on the water quality of Dublin Bay from wastewater pollution during the operation phase of the project as the project incorporates a certified standard of design and construction, connection to water services networks, treatment of foul effluent to necessary standard that will</p>	<p>Screened out for need for AA.</p>

	<p>(<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>		prevent wastewater pollution.	
<p><u>North Bull Island SPA (side code 004006)</u></p> <p>To maintain the favourable conservation condition of the bird species (including the Annex I listed, bird species), and the wetlands habitat for which the SPA has been designated.</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p>	<p>c.7.36km</p> <p>Indirect hydrological connection between the project (source), wastewater drainage to Ringsend WWTP for treatment (pathway), with discharge of treated wastewater to Dublin Bay and the European Site (receptor).</p>	<p>No likely significant effects arising on the water quality of Dublin Bay from wastewater pollution during the operation phase of the project as the project incorporates a certified standard of design and construction, connection to water services networks, treatment of foul effluent to necessary standard that will prevent wastewater pollution.</p>	<p>Screened out for need for AA</p>

	<p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Turnstone (Arenaria interpres) [A169]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Wetland and Waterbirds [A999]</p>			
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9.8. Mitigation Measures

- 9.8.1. No measures designed or intended to avoid or reduce any potentially harmful effects of the project on a European site have been relied upon in this screening exercise.

9.9. Screening Determination

- 9.9.1. The project is considered in light of the requirements of Section 177U of the 2000 Act as amended. Having carried out screening for appropriate assessment of the

project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North-West Irish Sea SPA, North Bull Island SPA, and North Dublin Bay SAC, or any other European site, in view of those sites' conservation objectives and qualifying interests, and that a Stage 2 appropriate assessment, and submission of a Natura Impact Statement, is not required.

10.0 Environmental Impact Assessment

10.1. Screening Determination for Environmental Impact Assessment

10.1.1. The applicant has submitted an Environmental Impact Assessment screening report (EIASR) with the application addressing issues included for in Schedule 7A of the Planning and Development Regulations 2001, as amended (2001 Regulations).

10.1.2. Part 2 of Schedule 5 of the 2001 Regulations, as amended, and section 172(1)(a) of the Planning and Development Act 2000, as amended (2000 Act), identify classes of development with specified thresholds for which EIA is required.

10.1.3. I identify the following classes of development in the 2001 Regulations as being of relevance to the proposal:

- Class 10(b) relates to infrastructure projects that involve:
 - (i) Construction of more than 500 dwelling units,
 - (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere, and
- Class 15 relates to any project listed in Part 2 which does not exceed a quantity, area or other limit specified in that Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

10.1.4. The proposed development is sub-threshold in terms of mandatory EIA requirements arising from Class 10(b)(i) and/ or (iv) of the 2001 Regulations. In respect of the latter, 'business district' is defined as a district within a city or town in which the

predominant land use is retail or commercial use. I do consider that the appeal site comes within this definition and is instead another part of a built-up area where the 10ha threshold applies. Class 15 is of relevance as the project comprises a mixed-use scheme with residential development and/ or an urban development that would not exceed a quantity, area or other limit specified in respect of the relevant class of development (i.e., would facilitate a project of less than 500 dwelling units and/ or an urban development on a site less than 10 hectares).

- 10.1.5. As such, the criteria in Schedule 7 of the 2001 Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment and should be the subject of EIA. The criteria include the characteristics of the proposal, the location of the site, and any other factors leading to an environmental impact.
- 10.1.6. I confirm to the Board that, based on the criteria in Schedule 7, I have completed an EIA screening determination of the project (having regard to and incorporating the recommended revisions). The EIA screening determination is presented in detail in Appendix 2 of this report. I have concluded that the proposed development would not be likely to have significant effects (in terms of extent, magnitude, complexity, probability, duration, frequency, or reversibility) on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.
- 10.1.7. In undertaking the EIA screening determination, I have had regard to the information provided in the applicant's EIASR and other related assessments and reports included in the case file. The EIASR includes a description of the site's physical setting (geology, hydrogeology, hydrology, ecology, licences), a preliminary examination (nature, size, location of development), identification of aspects of the receiving environment likely to be affected, description of the types and characteristics of impacts on the environment factors (population, human health, biodiversity, land, soil, water, air, climate, noise, vibration, landscape, material assets, archaeological, architectural and cultural heritage). Consideration is given to cumulative and transboundary effects (of which there are none). As applicable, references are made to the supporting reports included in the application, with descriptions of the mitigation measures proposed to address identified impacts.

10.1.8. I have reviewed the EIASR and the applicable supporting reports, and concur with the nature of the impacts identified, and note the range of mitigation measures proposed. I am satisfied that the submitted EIASR identifies and describes adequately the effects of the proposed development on the environment. The EIASR concludes that an EIA is not required due to the project being significantly below thresholds for Schedule 5 classes of project requiring EIA, that mitigation measures are proposed to address identified impacts, and that the proposed development is not considered likely to cause significant effects on the environment. This is a conclusion with which I concur.

11.0 Recommendation

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

12.0 Recommended Draft Board Order

Planning and Development Act 2000 as amended

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Authority Register Reference: LRD 23A/0678

Appeal by S. Groeger, N. Coleman, D. Flynn and others, and Bellevue, Glenageary and Rochestown Residents Association, against the decision made on the 21st day of December 2023, by Dun Laoghaire Rathdown County Council to grant permission subject to conditions to Red Rock Glenageary Limited c/o of Brock McClure Planning and Development Consultants, 63 York Rd, Dún Laoghaire, Co. Dublin, in accordance with plans and particulars lodged with the said Council.

Proposed Development

Large-scale residential development on lands at the junction of Sallynoggin Road, Glenageary Avenue and Glenageary Roundabout, Glenageary, Co. Dublin.

The proposed development will consist of a new neighbourhood centre to include apartments, commercial and retail units, public plaza, childcare facility, and all associated residential amenity spaces. The proposed development includes:

(a) Construction of 138 no. residential apartment units (37 no. 1 bedroom units, 68 no. 2 bedroom (4 person units), 6 no. 2 bedroom (3 person units) and 27 no. 3 bedroom units) in 2 no. interlinked blocks at third to fifth floor level (ranging in height from four to seven storeys over basement level) consisting of:

(i) Block A (5-6 storeys) comprising 41 no. apartments (8 no. 1 bedroom units, 17 no. 2 bedroom (4 person) units, 2 no. 2 bedroom (3 person) units and 14 no. 3 bedroom units).

(ii) Block B (4-7 storeys) containing 97 no. apartments (29 no. 1 bedroom units, 51 no. 2 bedroom (4 person) units, 4 no. 2 bedroom (3 person) units and 13 no. 3 bedroom units). Each residential unit has associated private open space in the form of a balcony/terrace.

(b) Residential amenity areas of approx. 342 sq. m. are proposed in the form of resident support services, concierge services, co-working space, social/activity spaces and gym at the ground floor level of Blocks A and B.

(c) Open space (approx. 2,806.6 sq. m.) is proposed in the form of (a) public open space (c. 1,848.4 sq. m.) in the form of a public plaza accommodating outdoor seating, planting, pedestrian footpaths and cyclist links and (b) residential/communal open space (approx. 958.2 sq. m.) including c. 750.6 sq. m. at surface level (incl. playground), roof terrace at fifth floor level of link between Blocks A and Block B (c. 151 sq. m.) and roof terrace (c. 56.6 sq. m.) at fifth floor level of Block B. 1.8 m opaque screens are proposed around both roof gardens.

(d) Commercial and retail uses at ground floor level of Blocks A and B (c. 996 sq. m.) to include (a) 2 no. restaurants (c. 267 sq. m. and 295 sq. m.) in Block A, (b) a retail – clothing unit (c. 142 sq. m.), (c) retail - florist unit (c. 66 sq. m.), (d) retail - pharmacy unit (c. 126 sq. m.) and (e) hairdresser unit (c. 100 sq. m.), all in Block B.

(e) Childcare facility (c. 263 sq. m.) with dedicated open space and children's play area (c. 39.5 sq. m.) at ground floor level of Block B.

- (f) Basement areas (total approx. 3,411 sq. m.) are proposed on one level and include car and bicycle parking areas, waste management and plant areas. An ESB substation (approx. 31.7 sq. m.) is proposed at surface level at the top of the basement ramp accessed off Glenageary Avenue. Commercial bin stores (c. 47.9 sq. m.) are proposed to be located at ground floor level of both Blocks A and B.
- (g) A total of 80 no. car parking spaces at basement level are proposed to include 3 no. accessible parking spaces, 2 no. GoCar spaces and 17 no. EV charging spaces. 5 no. motorcycle parking spaces are also proposed at basement level.
- (h) A set down area/loading bay is proposed at surface level at Sallynoggin Road and 2 no. set down areas/ loading bays including 1 no. accessible car parking space are proposed at surface level at Glenageary Avenue.
- (i) A total of 310 no. bicycle parking spaces to include 254 no. bicycle parking spaces at basement level including 10 no. cargo bicycle spaces and 56 no. bicycle parking spaces including 16 no. cargo bicycle spaces at surface level.
- (j) The development shall be served via a new vehicular access point to the basement level from Glenageary Avenue. New pedestrian and cyclist access points will be provided onto Sallynoggin Road and Glenageary Avenue from the site.
- (k) Removal of existing cycle path and footpath and dropped kerb pedestrian crossing at Glenageary Avenue to be reinstated by soft landscaping and replaced by a new shared cyclist and pedestrian raised table crossing point located on Glenageary Avenue linking to the existing signalised crossing on the R118. Existing 1.2 m pedestrian crossing on Glenageary Avenue to be widened to 2 m.
- (l) Emergency services/servicing access is proposed from Sallynoggin Road and Glenageary Avenue.
- (m) All associated site and infrastructural works include provision for water services; foul and surface water drainage and connections; attenuation proposal; permeable paving; all landscaping works; green roofs; roof plant room and general plant areas; photovoltaic panels; landscaped boundary treatment; footpaths; public lighting; and electrical services.

Decision

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

Reasons and Considerations

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

- a) Policies and objectives set out in the National Planning Framework and the Regional Spatial and Economic Strategy for the Eastern and Midland Region.
- b) Policies and objectives set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028, including the location of the site on lands zoned as 'NC' Neighbourhood Centre and the permitted in principle uses therein.
- c) Housing for All, A New Housing Plan for Ireland, 2021.
- d) The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- e) The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023.
- f) The Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- g) The Design Manual for Urban Roads and Streets, 2013, updated 2019.
- h) The Childcare Facilities, Guidelines for Planning Authorities, 2001.
- i) The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.
- j) The Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023.
- k) The Greater Dublin Area Transport Strategy 2022-2042, 2022.
- l) The nature, scale, and design of the proposed development.
- m) C availability in the area of a range of social, community, and transport infrastructure.

- n) The pattern of existing and permitted development in the area.
- o) The planning history of the site and within the area.
- p) The reports of the planning authority.
- q) The submissions received by the planning authority from observers and prescribed bodies.
- r) The grounds of appeal.
- s) The responses to the grounds of appeal by the applicant and planning authority.
- t) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, which comprises a built-up urban area, the distances to the nearest European sites and the absence of any direct hydrological connections, submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report. In completing the screening exercise, the Board adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment and the preparation of a Natura Impact Statement would not, therefore, be required.

Environmental Impact Assessment Screening

The Board completed an Environmental Impact Assessment screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Report and other documents submitted by the applicant identify and describe adequately the direct, indirect, and cumulative effects of the proposed development on the environment.

Regard has been had to:

- a) The nature and scale of the proposed development, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.
- b) The location of the site on lands that are zoned as 'NC' Neighbourhood Centre, the proposed uses, and provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and the results of the strategic environmental assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC).
- c) The vacant nature of the site and its location within a neighbourhood centre which is relatively well served by public infrastructure, and the existing pattern of development in the vicinity.
- d) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- e) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage, and Local Government (2003).
- f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- g) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- h) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Construction and Environmental Management Plan,

Resource and Waste Management Plan, Operational Waste Management Plan, Infrastructure Report, Ecological Statement, Noise and Vibration Impact Assessment, and Traffic and Transport Assessment.

In so doing, the Board concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Conclusion on Proper Planning and Sustainable Development

The Board considers that, subject to compliance with the conditions set out below, the proposed development would be consistent with the applicable 'NC' Neighbourhood Centre zoning objective and other policies and objectives of the Dun Laoghaire County Development Plan 2022-2028, constitute an acceptable mix and quantum of commercial and residential development, would result in an appropriate density of residential development, would provide acceptable levels of residential amenity for future occupants, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause adverse impacts on or serious pollution to biodiversity, lands, water, air, noise or waste, would be acceptable in terms of pedestrian, cyclist and traffic safety and convenience, and would be capable of being adequately served by water supply, wastewater, and surface water networks without risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning
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	<p>authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Permission is hereby granted for a total number of 95 apartments (32 apartments in Block A and 63 apartments in Block B) comprising 23 one-bedroom, 51 two-bedroom, and 21 three-bedroom units.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none"> a) Block A: third floor level – full storey shall be omitted. b) Block B: ground floor level – Apartments B1-0.01, B1-0.02, and B2-0.01 shall be omitted and the released floorspace be repurposed as new and/ or enlarged retail units from those that are proposed. c) Block B: first floor level – Apartment B2-1.01 shall be omitted and the released floorspace shall be amalgamated with that of Apartment B2-1.02. d) Block B: second floor level – Apartment B2-2.01 shall be omitted and the released floorspace shall be amalgamated with that of Apartment B2-2.02. e) Block B: third floor level – full storey shall be omitted. f) Block B: fourth floor level – Apartment B2-4.01 shall be omitted and the released floorspace shall be amalgamated with that of Apartment B2-4.02. g) Block B: fifth floor level – Apartments B2-05.01 (partial), and B2-5.02 to B2-05.05 inclusive shall be omitted. A revised floorplan is hereby permitted of B2-5.01 (remaining floorspace), B1-5.04, and B1-5.05 with the same footprint/ layout as that proposed for Apartments B1-6.03 and B1-6.04. h) Block B: sixth floor level – full storey shall be omitted. i) Northeast elevations of Block A and Block B (main components 5 storeys in height with white and grey brick external finish) shall

	<p>match in principal height, elevational design, roof profile, and external finishes.</p> <p>j) West elevation of Block B (projecting arm) shall indicate the replacement of the balconies serving the omitted Apartments B2-1.01, B2-2.01, and B2-4.01 with high level windows only to serve floorspace in the new amalgamated apartments.</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>Reason: To comply with the requirements of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, and in the interests of visual and residential amenity.</p>
4.	<p>The development shall be carried out in a phased manner in accordance with Phasing Plans: Dwg No. GAV-JFA-ZZ-EL-DR-A-PA220/ 2201, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interests of orderly development and to ensure the timely provision of amenities and infrastructure for future residents.</p>
5.	<p>The proposed development shall be implemented as follows:</p> <ul style="list-style-type: none"> a) Prior to the first occupation of the apartments, the residential amenity areas shall be fully fitted out and suitable for immediate operation. b) The residential amenity areas shall be available for the sole use of residents in the development and shall not be otherwise amalgamated, repurposed, sold or sublet. c) The blue and/ or green roof areas (save for the roof terrace areas) shall be accessed for maintenance purposes only and shall not be used for any amenity or recreational purpose. d) During the operational phase of the proposed development, the noise level arising from the development (including from the residential amenity areas, plant equipment, and/ or the roof top

	<p>terraces), as measured at the nearest noise-sensitive premises shall not exceed.</p> <ul style="list-style-type: none"> i. An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. ii. An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component. iii. All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise. <p>Reason: In the interests of residential amenity of future occupants and of property in the vicinity</p>
6.	<p>The use of the retail units at ground floor level of Block B shall be within the definition of 'shop' in the Planning and Development Regulations, 2001, as amended.</p> <p>Reason: In the interests of clarity and to protect the amenity of the area.</p>
7.	<p>Details of the external shopfront design, lighting, security shuttering and signage for the restaurants, retail units, and childcare facility shall be submitted to and agreed in writing with, the planning authority prior to occupation of the same.</p> <p>Reason: In the interest of the amenities of the area/ visual amenity.</p>
8.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In addition, details of a maintenance strategy for materials within the proposal shall also be submitted for the written agreement of the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts</p>

	<p>or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
10.	<p>Proposals for a development name (inclusive of the residential and commercial units), numbering scheme, and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. No advertisements/ marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p>
11.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development/ installation of lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development, including the commercial units, are made available for occupation.</p> <p>Reason: In the interests of amenity and public safety.</p>
12.	<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.</p> <p>Reason: In the interests of visual and residential amenity.</p>
13.	<p>a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>b) Details of the management company contract, and drawings/ particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and</p>

	<p>agreed in writing with, the planning authority before any of the residential and/ or commercial units are made available for occupation.</p> <p>Reason: in the interests of orderly development and to provide for the satisfactory future maintenance of this development.</p>
14.	<p>Prior to commencement of development, the following shall be submitted to and agreed in writing with the planning authority:</p> <ul style="list-style-type: none"> a) A final Mobility Management Plan. b) Proposal(s) for (a) cycle lift(s) to access the basement level from street level/ upper floor level(s). c) Final number and identification of the basement level car parking spaces to be provided with electric vehicle (EV) charging stations/ points and details for ducting for the remaining spaces allowing for future provision. d) Final design, construction and operation details of the vehicular entrance to the basement level (inclusive of signage and road markings), and the basement level. e) On-site identification and set out of the reservation route of the '6 Year Road Objective' along the R118. <p>In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of sustainable transportation, and traffic and pedestrian safety.</p>
15.	<p>The set down areas (inclusive of loading bays and parking spaces), footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes included in the development shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority. In</p>

	<p>default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
16.	<p>Prior to commencement of development, proposals for cycle parking and cycle storage to serve the full scheme (residential and commercial uses, short stay (visitor) and long stay (resident/ staff) spaces, basement and street levels) shall be submitted to and agreed in writing with the planning authority. The proposals for the residential component of the development shall accord in quantity and design with the requirements of SPFR 4, Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
17.	<p>a) The areas of open space in the development shall be constructed, levelled, contoured, and landscaped (hard and soft) in accordance with the Landscape Design Strategy Report and associated landscape plans, unless otherwise agreed in writing with the planning authority.</p> <p>b) Final design, finishes, methods of construction and/ or installation of seating, equipment in play areas, footpaths, and art work shall be submitted to the planning authority for its written agreement.</p> <p>c) The landscaping work shall be undertaken in accordance with Phasing Plans: Dwg No. GAV-JFA-ZZ-EL-DR-A-PA220/ 2201 and completed before any of the apartments in Phase 2 are made available for occupation.</p> <p>d) A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of Phase 1 of the development. This schedule shall cover a period of at least three years and include details of the arrangements for its implementation.</p>

	<p>e) The areas of public and communal open space shall be reserved and maintained for such use by the developer until such time as these are taken in charge by the local authority and/ or management company as applicable.</p> <p>Reason: To ensure the satisfactory development of the open space areas, their future maintenance, and their continued use for this purpose.</p>
18.	<p>Prior to the 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>Reason: In the interest of proper planning and sustainable development. .</p>
19.	<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>Reason: In the interest of residential amenities, public health and safety].</p>
20.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on</p>

	<p>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 order to safeguard the residential amenities of property in the vicinity.</p>
21.	<p>a) An Operational Waste Management Plan containing details for the management of waste within the development (residential and commercial units), including the provision of facilities for the storage, separation, and collection of the waste and for the ongoing operation of these facilities shall be submitted to and agreed in writing with the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>b) This plan shall provide for screened communal bin stores for the apartment blocks and each commercial operation (retail units, restaurants, and the childcare facility), the locations, and designs of which shall be as indicated in the plans and particulars lodged within the application unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
22.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
23.	<p>a) The developer shall enter into water and/ or wastewater connection agreement(s) with Uisce Eireann, prior to commencement of development.</p> <p>b) All development shall be carried out in compliance with Uisce Eireann codes and practices.</p>

	Reason: In the interest of public health.
24.	<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 provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
26.	<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</p>

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

Phillippa Joyce

Senior Planning Inspector

11th April 2024

Appendix 1:
EIA Pre-Screening Form
[EIAR not submitted]

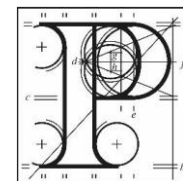
An Bord Pleanála Case Reference	ABP 318921-24		
Proposed Development Summary	Construction a new neighbourhood centre to include 138 apartments, commercial and retail units, childcare facility, public plaza, residential amenity spaces, car and cycle parking, and all associated site and infrastructural works.		
Development Address	Lands at junction of Sallynoggin Road and Glenageary Avenue and Glenageary Roundabout, Glenageary, Co. Dublin		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(i): threshold of 500 dwellings	Proceed to Q.4

		Class 10(b)(iv): threshold of 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.		
4. Has Schedule 7A information been submitted?				
No			Preliminary Examination required	
Yes		✓	Screening Determination required	

Inspector: _____

Date: __11th April 2024__

Appendix 2: Environmental Impact Assessment Screening Determination Form



An
Bord
Pleanála

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP 318921-24
Development Summary		Construction of 138 no. residential apartment units, commercial and retail units at ground floor level (including a childcare facility), and all associated site works.
	Yes/ No/ N/A	Comment (if relevant)
1. Has an AA screening report or NIS been submitted?	Yes	An AA Screening Report has been submitted with the application which considers the Habitats Directive (92/43/EEC), the Birds Directive (2009/147/EC), and the Water Framework Directive (2000/60/EC).
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	n/a
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA.	Yes	<p>Submitted with the application include:</p> <ul style="list-style-type: none"> • An EIA screening report which considers the EIA Directive (2011/92/EU, as amended by 2014/52/EU). • An Ecological Impact Statement (EclS) which considers the Habitats Directive (92/43/EEC), the Birds Directive (2009/147/EC) and the Water Framework Directive (2000/60/EC). • A Climate Change Assessment which considers the Energy Performance in Buildings Directive (2010/31/EU). • An Infrastructure Report, Storm Water Audit, and a Flood Risk Assessment (FRA) which consider groundwater, surface water and flood risk and undertaken in context of EU Floods Directive (2007/60/EC). <p>SEA was undertaken by the planning authority in respect of the Dún Laoghaire Rathdown County Development Plan 2022-2028.</p>

B. EXAMINATION	Response: Yes/ No/ Uncertain	Where relevant, briefly describe the characteristics of impacts (i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	<p>Project comprises the construction of a medium density mixed-use scheme (two blocks of apartments, commercial and retail units, with hard and soft landscaped open spaces, new/ supplemented screening boundaries, and site services).</p> <p>Project (subject to recommended revisions) differs from the surrounding area, but the differences are not considered to be significant in terms of character (residential and commercial uses exist in the area, conventional apartment typology, provision of on-site basement parking, landscaped open spaces, boundary treatments), or of scale (maintenance of block forms, moderate increase in building height and density).</p>	No
1.2 Will construction, operation, decommissioning, or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	<p>Project will cause physical changes to the appearance of the site during the site development works.</p> <p>Underground excavation works proposed to construct the basement level will cause a change in site topography/ ground levels, which will be managed through implementation of the Construction and Environmental Management Plan (CEMP) and Resource and Waste Management Plan (RWMP).</p> <p>No watercourses are located at or adjacent to the site (Deansgrange Stream c.1.5km to the southwest), and proposal will connect to/ be serviced by public drainage systems.</p> <p>Operational phase of project (i.e., the occupation of the apartments, commercial and retail units) does not cause physical changes to the locality per se.</p>	No

		Accordingly, the physical changes are not considered likely to result in significant effects on the environment in terms of land use, hydrology, and hydrogeology.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals, or energy, especially resources which are non-renewable or in short supply?	Yes	<p>Project uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the CEMP. Construction waste will be managed through the implementation of the RWMP. There is no significant use of natural resources anticipated.</p> <p>Operational phase of project will not use natural resources in short supply.</p> <p>Project (subject to recommended revisions) uses the land, a finite resource, more efficiently (basement level, provision of medium density, blocks of between 3-5 storeys high).</p> <p>Project connects into the public water services systems which have sufficient capacity to accommodate demands. Project includes solar panels, energy efficient design, is located close to amenities, and several public transport options.</p>	No
1.4 Will the project involve the use, storage, transport, handling, or production of substance which would be harmful to human health or the environment?	Yes	<p>Construction phase activities require the use of potentially harmful materials, such as fuels and create waste for disposal. The use of such substances would be typical of construction sites.</p> <p>Noise and dust emissions during construction are likely. Such construction impacts will be local and temporary in nature, and the implementation of the CEMP will satisfactorily mitigate potential impacts.</p> <p>Operational phase of project does not involve the use, storage, or production of any harmful substance. Conventional waste produced from residential and commercial activity will be managed through the implementation of the Operational Waste Management Plan (OWMP).</p> <p>Accordingly, this is not considered likely to result in significant effects on the environment in terms of human health or biodiversity.</p>	No

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous/ toxic/ noxious substances?</p>	<p>Yes</p>	<p>Conventional waste produced from construction activity will be managed through the implementation of the RWMP.</p> <p>Operational phase of project does not produce or release any pollutant or hazardous material. Conventional operational waste will be managed through the implementation of the OWMP to obviate potential environmental impacts.</p> <p>Accordingly, this is not considered likely to result in significant effects on the environment in terms of human health or biodiversity.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>Project involves underground excavation works with the construction of a basement level and installation of new services infrastructure.</p> <p>Project uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the CEMP. The CEMP has mitigation measures to reduce/ manage potential risks in relation to a contamination event of land/ groundwater.</p> <p>Project includes for surface water (SuDS) and groundwater management systems, designed, and constructed in accordance with the GDSDS.</p> <p>During the operational phase of project, surface water will be attenuated within the site (blue roofs and underground tank), and wastewater and surface water will be discharged to the public systems.</p> <p>There is no watercourse at or adjacent to the site (Deansgrange Stream is the most proximate at c.1.5km to the southwest), and the site is at notable distance to coastal waters (Dun Laoghaire coastline/ Irish Sea c.1.5km to the northeast). The risks of contamination are mitigated, managed, and therefore considered to be negligible.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy, or electromagnetic radiation?</p>	<p>Yes</p>	<p>Project causes noise and vibration impacts during the site development works. Mitigation measures to address potential impacts are contained in the CEMP and the Noise and Vibration Impact Assessment (NVIA).</p>	<p>No</p>

		<p>Noise and vibration levels to be to specified BS standards, use of good site management practices for noise reduction at source, the appointment of a community liaison officer as a contact point, and specification of working hours. Site development works are short term in duration, impacts arising will be temporary, localised, and addressed by the mitigation measures.</p> <p>Operational phase of project causes noise and light impacts. The noise increase is outlined in the NVIA and is associated with residential use and commercial activity (vehicle access, normal activity), with mitigation measures to address same. Light impacts will be ameliorated as the public lighting plan is designed to the planning authority's standards.</p> <p>Accordingly, this is not considered likely to result in significant effects on the environment in terms of air quality (noise, vibration, light pollution).</p>	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	<p>Project causes dust impacts during the construction phase, with mitigation measures contained in the CEMP. Site development works are short term in duration, and impacts arising will be temporary, localised, addressed by the mitigation measures.</p> <p>Operational phase of project does not cause risks to human health through water contamination/ air pollution through design of the scheme, connection to public water services systems, and scale of residential and commercial uses/ activities arising.</p> <p>Accordingly, this is not considered likely to result in a significant effect on the environment in terms of risks to human health.</p>	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No risk of major accidents given nature of project.	No
1.10 Will the project affect the social environment (population, employment)	Yes	<p>Project increases localised temporary employment activity at the site during the construction phase works.</p> <p>Operational phase of project (subject to recommended revisions) results in an increase of c.257 persons (c.8.7% increase of the Sallynoggin East ED), a moderate population increase.</p>	No

		<p>The receiving area is a built-up urban area, close to education, amenities, services, public transport, and has the capacity to accommodate the impacts associated with the population increase.</p> <p>Accordingly, this is not considered likely to result in a significant effect on the social environment of the area.</p>	
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	No	<p>Project is not part of a wider large-scale change in the area, as the site is an infill site within an established built-up location.</p> <p>Construction phase works are short term in duration, and impacts arising will be temporary, localised, addressed by the mitigation measures.</p> <p>Operational phase of the project will result in a moderate increase in the population and commercial activity, and are not considered likely to result in significant effects on the environment in and of themselves, or in cumulation with development works in the wider area.</p> <p>No cumulative significant effects on the area are reasonably anticipated.</p>	No
2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/ conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	No	<p>Project is not located in, on, or adjoining any European site, any designated or proposed Natural Heritage Area, or any other listed area of ecological interest or protection.</p> <p>There are no known pathways by or through which surface water, groundwater, waste, or other pollutant could reach these receptors.</p> <p>The AA screening report presents information on potential impacts of the project on European sites, allowing the Board to undertake a screening determination.</p> <p>It is concluded that the project would not be likely to give rise to significant effects on identified European Sites, and that a Stage 2 appropriate assessment, and submission of a Natura Impact Statement, is not required.</p>	No

2.2 Could any protected, important, or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	Yes	<p>The EcIS indicates the site does not contain any protected habitats, rare or protected plants, or invasive plant species. No protected fauna species are identified at the site.</p> <p>The site (comprised entirely of dry grassland meadow habitat) does not contain habitat suitable for the majority of mammals (badgers, deer, otter), nor for frog and newt species, nor for roosting bats, and very limited nesting habitat for birds. The site is evaluated as being of low local biodiversity value. The construction and operational phase impacts of the project are identified as being minor negative to neutral in effect.</p> <p>Accordingly, this is not considered likely to result in a significant effect on the environment in terms of biodiversity.</p>	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	<p>No landscape designations pertain to the site.</p> <p>No archaeological features recorded at the site.</p> <p>No architectural heritage designations (protected structures, architectural conservation area) pertain to the site.</p>	No
2.4 Are there any areas on/ around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/ coastal, fisheries, minerals?	No	No such resources on or close to the site.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	<p>There are no watercourses present on or in the immediate vicinity of the site. The closest watercourse to the site is Deansgrange Stream c.1.5km to the southwest, and closest coastal waters is the Irish Sea at Dun Laoghaire c.1.5km to the northeast.</p> <p>There are no direct connections to watercourses in the area.</p> <p>Site is located within an area designated as Flood Zone C.</p>	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No evidence identified of these risks.	No

<p>2.7 Are there any key transport routes (eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>Site is served by a local urban road network, which is well connected to regional roads, R118 and R829, located in close proximity to the east and north respectively. The M50 is accessed c.2.8km (closest driving distance) to the south of the site.</p> <p>During the site development works, the project will result in an increase in traffic activity (HGVs, workers) as construction equipment, materials, and waste are delivered to/ removed from the site.</p> <p>Due to proximity to public transport, there are sustainable transport options available to workers. Site development works are short term in duration and impacts arising will be temporary, localised, and managed under the outline traffic management plans in the CEMP and the Traffic and Transport Assessment (TTA).</p> <p>Operational phase of project (subject to recommended revisions) results in an increase of c.257 persons in the Sallynoggin area with associated rise in traffic movements of all modes of transport modes.</p> <p>The TTA analyses three junctions including the new entrance (a priority-controlled junction accessing the basement level) to the proposed development on Glenageary Avenue (J3). The TTA calculates that in the opening year 2025 (and other future design years of 2030, 2040) there will be 72 in/out trips in the AM peak and 90 in/out trips in the PM peak.</p> <p>These trips are calculated as resulting in a 164% and 130% increase on the baseline trips (AM and PM peaks) on Glenageary Avenue. The TTA states the percentage increase is so notable due to the existing low levels of traffic along the road. To determine the degree of impact, the junction is analysed in terms of ratio to flow capacity and queue length. At the junction, both parameters for the opening year (and other design years) are found to be acceptable as these indicate the junction will operate within capacity.</p> <p>The TTA concludes anticipated levels of traffic generated from the proposal would not negatively impact on the surrounding road network.</p>	<p>No</p>
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		Project is not anticipated to contribute to congestion or to have a significant effect on the environment in terms of material assets/ transportation.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	Yes	<p>There are no sensitive community facilities in proximity to the site. Site adjoins residential development.</p> <p>Site development works will be implemented in accordance with the CEMP and RWMP which include mitigation measures to protect the amenity of adjacent residents.</p> <p>Operational phase of project causes an increase in residential and commercial activity at the site (traffic generation, use of open spaces, use of balconies) which are typical of schemes with a commercial and residential component in a neighbourhood centre area, such as the receiving area. The project will be subject to the Operational Management Plan and under the control of an established management company.</p> <p>The NVIA and Daylight and Sunlight Assessment (DSA) have demonstrated that the residential amenity of adjacent properties will not be unduly affected.</p> <p>Accordingly, this is not considered to result in a significant effect on the environment in terms of material assets/ human health.</p>	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/ or approved development result in cumulative effects during the construction/ operation phase?	No	<p>No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.</p> <p>No cumulative significant effects on the area are reasonably anticipated.</p>	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations effects arising.	No
3.3 Are there any other relevant considerations?	No	No	No

C.CONCLUSION		
No real likelihood of significant effects on the environment.	X	EIAR Not Required
Real likelihood of significant effects on the environment.		EIAR Required
D. MAIN REASONS AND CONSIDERATIONS		
<p>Regard has been had to:</p> <ul style="list-style-type: none"> a) The nature and scale of the proposed development, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended. b) The location of the site on lands that are zoned as 'Neighbourhood Centre', the proposed uses and provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and the results of the strategic environmental assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC). c) The vacant nature of the site and its location within a neighbourhood centre which is relatively well served by public infrastructure, and the existing pattern of development in the vicinity. d) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations. e) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage, and Local Government (2003). f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended. g) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive. h) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Construction and Environmental Management Plan, Resource and Waste Management Plan, Operational Waste Management Plan, Infrastructure Report, Ecological Statement, Noise and Vibration Impact Assessment, and Traffic and Transport Assessment. <p>In so doing, the Board concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.</p>		

Inspector _____Phillippa Joyce

Date ____11th April 2024_____