



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320249-24

#### Development

Amendments to permitted strategic housing development (ABP-309658-21): Change of use at ground floor level of Block B from café to retail unit, incorporation of off-licence area within proposed retail unit, signage, internal reconfiguration of permitted creche area and communal areas, amendments to apartments on level 5 of Block C, overall residential provision will increase from permitted 163 to 164 units, changes to level 6 of Block B, additional bicycle parking stand and associated site development works

#### Location

Former CHM premises, Ballymount Road Lower, Walkinstown, Dublin 12

#### Planning Authority

South Dublin County Council.

#### Planning Authority Reg. Ref.

LRD24A/0003

<b>Applicant(s)</b>	Montane Developments (Ireland) Unlimited Company
<b>Type of Application</b>	Large - Scale Residential Development (LRD)
<b>Planning Authority Decision</b>	Grant subject to conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	1. Declan and Caroline Looby
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> September 2024
<b>Inspector</b>	Irené McCormack

## Table of Contents

1.0 Site Location and Description.....	4
2.0 Proposed Development.....	4
3.0 Planning Authority Pre-Application Opinion.....	7
4.0 Planning Authority Decision.....	7
5.0 Planning History.....	11
6.0 Policy Context.....	11
7.0 The Appeal .....	18
8.0 Assessment .....	19
9.0 Environmental Impact Assessment .....	29
10.0 Appropriate Assessment Screening.....	30
11.0 Recommendation.....	31
12.0 Recommended Order.....	31

## **1.0 Site Location and Description**

- 1.1.1. The site is located at Ballymount Road Lower, Walkinstown, Dublin 12. The site is 6 km (approx.) southwest of Dublin City Centre and 4 kilometres (approx.) northeast of Tallaght Town Centre. The site is at a transitional location with housing to the immediate east and north and a mixture of industrial, warehousing and retail warehousing uses to the west and south. The Walkinstown roundabout is c. 230 metres to the east of the site.
- 1.1.2. The site is an active building site, c. 0.93 ha with hording erected along the principal boundary adjacent to the public road. The subject LRD site formally contained a disused warehouse / factory building, an open yard area and a gas substation in the south-east corner. Since the grant of the permitted SHD application (ABP-309658-21) all structures on site have been cleared and development significantly progressed on site. There are no significant level differences on site with a variation of c. 2 metres between the north-west and south-west end.
- 1.1.3. The site fronts onto Ballymount Road Lower which sits above the level of the site. To the north and east the site is bounded by the rear gardens of two storey dwellings in Walkinstown Park (north) and Walkinstown Crescent (east) which sit below the level of the site (c. 2- 2.5m drop). To the west the site is bound by industrial / commercial premises.
- 1.1.4. Ballymount Road Lower has a two-lane carriageway with footpaths on either side. The site is adjacent to urban bus services on Ballymount Road Lower (56a) and is within walking distance (5 minutes or 400-500 m) of high frequency urban bus services on the Greenhills Road / Walkinstown Road (Dublin Bus 27 and 77A routes). The proposed Bus Connects Route No. 9 Tallaght to Dublin City Centre will also run along the Greenhills Road / Walkinstown Road with stops proposed within 500 metres of the site. Kylemore Line Luas Stop (Red Line) is c.1,000 metres to the north of the site (c.1.2 km walking distance).

## **2.0 Proposed Development**

- 2.1.1. The development which is the subject of the current LRD appeal will consist of

amendments to permitted Strategic Housing Development (SHD) (Ref. ABP-309658-21)).

The proposed amendments include the following:

- Change of use at Ground Floor Level of Block B from the permitted Café to proposed retail unit (c.363.5 sq.m).
- The incorporation of an off-license area within the proposed retail unit (c.24.4 sq.m).
- Internal reconfiguration of permitted creche area from c. 261sq. m to c. 235sq.m with other associated changes to internal areas.
- Internal reconfiguration and reduction of permitted tenant amenity facilities (communal areas) from c. 472.1sq. m to c. 426.6 sq. m.
- Siting of proposed signage/advertising associated with the proposed Retail unit.
- Amendments to permitted residential apartments on Level 5 of Block C, consisting of replacing 2 no. 3 bed (5 person) units with 2no. 2 bed (4 person) units and a new additional 2 bed (3 person) unit. **Overall scheme will be increased from permitted 163no. units to 164no. units** (1no. Studio, 57no. 1 bed, 99no. 2 bed and 7 no. 3 bed).
- Provision of an additional external Bicycle Parking Stand with 14 no. parking spaces located to the East of the building to cater for retail and creche usage.
- Changes to Level 6 of Block B, to include external retail plant at roof level within the permitted envelope of the development, to include ventilation louvres to the North & East façade and a louvred roof access door for maintenance purposes only.

All other associated site development works, services provision, access, parking, landscaping and boundary treatment works to be carried out as otherwise granted under the parent permission Reg. Ref. ABP-309658-21 (and associated conditions).

#### 2.1.2. **Development Parameters:**

Proposed Development															
Site Area	0.9308 ha. (unchanged)														
No. of Units	Total 164 residential units as follows: - 1 no. Studio (1p) - (0.60%) - 57 no. 1 Bed Apt. (2p) - (35%) - 12 no. 2 Bed Apt (3p) - (7%) - 87 no. 2 Bed Apt (4p) - (53%) - 7 no. 3 Bed Apt (5p) - (4%)														
Building Height	1-8 Storeys (unchanged)														
Dual Aspect	<table><tr><td><i>Aspect</i></td><td><i>Total No.</i></td><td><i>%</i></td></tr><tr><td>Dual aspect</td><td>71</td><td>43</td></tr><tr><td>North Single</td><td>14</td><td>9</td></tr><tr><td>South / East / West</td><td>79</td><td>48</td></tr></table>			<i>Aspect</i>	<i>Total No.</i>	<i>%</i>	Dual aspect	71	43	North Single	14	9	South / East / West	79	48
<i>Aspect</i>	<i>Total No.</i>	<i>%</i>													
Dual aspect	71	43													
North Single	14	9													
South / East / West	79	48													
Density	c. 176 up/h														
Public and Communal Open Space	Communal Open Space -426.6sqm														
Resident Amenities	Residential amenities area (c.426.6sq.m.) Retail Area (c.363.5 sq.m.) Creche (c.335. sq.m.)														
Car Parking	69 Spaces (unchanged)														
Cycle Parking	357 no. residential bicycle spaces - 14 no. Creche + Retail Cycle space														

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

- Planning Statement including Statement of Consistency and Statement of Response to SDCC LRD Opinion.

- Operation waste and recycling management plan (March 2023)
- Landscape report and drawings
- Civils Design Report
- Traffic Assessment including Mobility Management Plan

### **3.0 Planning Authority Pre-Application Opinion**

A section 32 Consultation Meeting took place on the 13<sup>th</sup> of November 2023 with representatives of the applicant and planning authority in attendance.

A Large-Scale Residential Development (LRD) Opinion issued on the 01/02/2024, SDCC reviewed the scaled back proposal and having compared the proposed development to the permitted development, that

- a) the proposed development is substantially the same as the permitted development, and
- b) the nature, scale and effect of any alterations to the permitted development are not such that require the consultation process to be repeated.

It was determined that 'Notwithstanding subsection (1A), no further consultation is required under Section 247(7) in relation to the proposed development.

### **4.0 Planning Authority Decision**

#### **Decision**

South Dublin County Council issued a decision to grant permission subject to 15 no. conditions.

#### **4.1. Planning Authority Reports**

##### **4.1.1. Planning Reports**

###### Planner Report (2<sup>nd</sup> July 2024)

The recommendation within the report of the Planning Officer reflects the decision of the Planning Authority and can be summarised as follows:

###### Zoning and Policy

- It is considered that the provision of a small section of the proposed retail unit for ancillary off-licence use would accord with the relevant policies and provisions of the 2022-2028 CDP.
- The proposed amendment to the permitted creche facility would not include any changes to the permitted capacity of same.
- The nature and extent of modifications to the ground floor level of Block B to accommodate the above elements of the proposal, in addition to the relocation of 'Communal Lounge 2' within the subject building (as detailed above), which would be accommodated within the envelope of this building as previously approved, it is considered that these elements of the proposal would not adversely impact on the residential amenities of the area or subject site, and would be acceptable with regard to the visual amenities of the area,
- Having regard to the nature and extent of modifications proposed to residential units located within the permitted envelope of Block C, it is considered that these elements would not adversely impact on the residential or visual amenities of the subject area and are considered acceptable.
- Signage details to fully accord with Section 12.5.7 and the criteria outlined in Table 12.19 of the 2022-2028 CDP. The Planning Authority is satisfied this can be addressed by way of condition in the event of a grant of permission.
- With regard to the alterations to the permitted facades, the overall design and appearance of the development would not be significantly altered. The external elevations would remain commensurate to the permitted development. Details regarding the materials and finishes can be addressed by way of condition in the event of grant.

#### Sustainable Movement

- No objection raised to the amendments subject to compliance with conditions from the Roads Department re. signage, lighting, car parking layout plan and swept path analysis drawing.

#### Social and Affordable Housing



- Condition re. Part V compliance required.

#### Green Infrastructure

- The conditions of associated parent permission SHD3ABP-309658-21 will remain applicable in the event of a grant of permission

#### Infrastructure and Environmental Services

- No concern raised. Conditions of associated parent permission SHD3ABP-309658-21 to be applied.

#### Environment Health

- Referencing the EHO report and the recommendation for Further Information, it is set out that items relating to noise levels and the need for a noise impact assessment are noted, having regard to the permitted creche use at the subject site to which no alterations to capacity or net area are proposed, it is the opinion of the Planning Authority that a noise impact assessment is not required in this instance. All remaining items identified in the report of the EHO will be addressed by way of condition or relevant advisory note, as appropriate. In addition, the conditions of associated parent permission SHD3ABP-309658-21 will also be applicable.

#### Screening for Appropriate Assessment

- The subject site is not located within nor within close proximity to a European site. The proposed development relates to amendments to a permitted development and a proposed change of use to retail. No concerns raised.

#### Environmental Impact Assessment

- No concerns raised.

#### **Conclusion**

The planning authority decision to grant of permission subject to 15 no. conditions. These are broadly standard in nature. Conditions of note include:

**No. 2.** Parent Conditions - All conditions of parent permission SHD3ABP-309658-21,

to which this application will have the effect of creating modifications to, shall apply save as may be required by the other conditions attached hereto.

**No. 3** – relates to signage

**No. 4** – relates to car parking layout and swept path analysis

#### **4.2. Other Technical Reports**

Internal departmental reports:

**City Edge Team:** No objection.

**Housing Section:** Part V condition recommended.

**Public Realm and Parks:** No report received.

**Roads Department:** Conditions recommended.

**Water Services:** No report received.

**Environmental Health Officer (EHO)** – Further information re. child number and spaces and noise impact, in addition to recommended conditions.

External reports:

**Dublin City Council (Planning Officer):** No report received.

#### **4.3. Prescribed Bodies**

**Irish Water** - No objection, conditions recommended.

#### **4.4. Third Party Observations**

4.4.1. The PA in their assessment state two no. valid observations were made.

Issues raised in the submissions included inter alia the following:

- Lack of analysis regarding existing retail in the vicinity of the proposal.
- Inadequate parking provision for existing residential and proposed retail use.
- Existing traffic congestion and implications of further impact from the proposal.
- Concerns regarding parking/set down arrangements for delivery vehicles.
- No local need for an additional off-licence.

- Procedural matters relating to alleged inaccurate information in submitted application form (Form 18).

## 5.0 Planning History

### Site

**SHD ABP-309658-21** – Permission granted on 23/06/2021 for the demolition of an existing warehouse/factory building and ancillary outbuildings/structures and the construction of a residential development of 171 apartments with supporting tenant amenity facilities (gym, lounges, and meeting room), café, creche, landscaping, public realm improvements, and all ancillary site development works. (\*Reduced to 163 units)

**SDCC Reg. Ref. SD17A/0102** – Permission granted by SDCC on 10/07/2017 for the demolition of existing warehouse/factory building with ancillary offices (totalling 3,490sq.m gross) and associated site development works; the construction of a single storey food store (with ancillary off-licence sales) measuring 1,758sq.m gross floor space with a net retail sales area of 1,254sq.m; associated signage boundary treatments and all other ancillary and associated works.

## 6.0 Policy Context

### 6.1. National

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

This document sets out the Government's strategic national plan for shaping the future growth and development of Ireland for the period up to 2040.

Of note National Strategic Outcome 1 (Compact Growth), sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

#### **Housing for All – A New Housing Plan for Ireland to 2030, 2021.**

The government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan

which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price
- Built to a high standard in the right place
- Offering a high quality of life.

### **Climate Action Plan, 2024.**

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

### **Section 28 Ministerial Guidelines**

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

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (the 'Apartment Guidelines').
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Architectural Heritage Protection Guidelines for Planning Authorities Department of Arts, Heritage, Gaeltacht 2011

- Childcare Facilities – Guidelines for Planning Authorities (2001)
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’, 2007.
- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018.
- Spatial Planning and National Roads Guidelines 2012
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018 (updated 2019)
- EPA Guidelines on the Information to be contained in Environmental Impact Assessment Reports 2022

## **6.2. Other**

- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Greater Dublin Area Transport Strategy 2022-2042 (NTA)

This sets out a framework aiming to provide a sustainable, accessible and effective transport system for the area which meets the region’s climate change requirements, serves the needs of urban and rural communities, and supports the regional economy.

## **6.3. Local**

### **6.3.1. South Dublin County Development Plan 2022 -2028**

The subject site is on lands zoned as Regeneration (REGEN) as per South Dublin City Development Plan 2022-2028 Map 5. The zoning objective is to ‘facilitate enterprise and / or residential led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery’.

Note: The site is also located within the City Edge Framework Plan area which is for a large-scale regeneration project. However, the framework is presently non-statutory, therefore the applicable Plan is the SDCDP 2022-2028.

### **Chapter 2 relates to Core Strategy and Settlement Strategy**

Policy CS2: City Edge Regeneration Lands Deliver a development framework for the

regeneration of the City Edge lands in conjunction with Dublin City Council which underpins the strategic aims of the National Planning Framework and Regional Spatial and Economic Strategy

CS2 Objective 1: To prepare a Local Area Plan or other appropriate mechanism for the zoned Regeneration (REGEN) lands and other lands at Naas Road / Ballymount as defined by the City Edge Project boundary. The LAP or equivalent will commence in 2022 and provide a framework for the sequential and phased development of the lands, integrating sustainable transport, land use and blue and green infrastructure. The City Edge Strategic Framework will inform this Statutory Plan.

CS2 Objective 2: To facilitate a co-ordinated approach and vision to any future sustainable development of the City Edge area in collaboration with Dublin City Council and all relevant stakeholders, including the local community and existing businesses having regard to their operational needs, and ensure that the needs of the existing and new community will be met, and the provision of necessary community and physical infrastructure is delivered in tandem with any new development.

Policy CS4: Active Land Management - CS4 Objective 2: To promote the delivery of residential development through active land management measures and a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas.

**Section 2.7 relates to Settlement Strategy** and includes a number of objectives which include:

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

**Policy CS7: Consolidation Areas within the Dublin City and Suburbs Settlement** - *Promote the consolidation and sustainable intensification of development within the Dublin City and Suburbs settlement boundary.*

**Chapter 3 relates to Natural, Cultural and Built Heritage.**

The following policies are of relevance:

**Policy NCBH1:** Overarching - *Protect, conserve and enhance the County's natural, cultural and built heritage, supporting its sensitive integration into the development of the County for the benefit of present and future generations.*

**Policy NCBH2** relates to Biodiversity.

**Policy NCBH3** relates to Natura 2000 Sites

**Policy NCBH5** relates to the Protection of Habitats and Species Outside of Designated Areas.

**Chapter 4 relates to Green Infrastructure**

**GI1 Objective 4:** *To require development to incorporate GI as an integral part of the design and layout concept for all development in the County.....*

**Policy GI2 relates to Biodiversity** - *strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity across .....*

**GI2 Objective 4:** *To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments ....*

**Policy GI3** relates to Sustainable Water Management

**Policy GI4** relates to Sustainable Drainage Management

**Section 4.2.3 relates to Climate Resilience.** The Plan promotes a GI approach which frontloads South Dublin County's response to ensure a county which is resilient to current and future climate change impacts.

**Policy GI5** Climate Resilience - *Strengthen the County's GI in both urban and rural areas to improve resilience against future shocks and disruptions arising from a changing climate.*

**Chapter 5 relates to Quality Design and Healthy Placemaking**

**Policy QDP1:** Successful and Sustainable Neighbourhoods Support the development of successful and sustainable neighbourhoods that are connected to and provide for a range of local services and facilities.

**Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods**

*Promote the creation of successful and sustainable neighbourhoods through the application of the eight key design principles to ensure the delivery of attractive, connected, and well-functioning places to live, work, visit, socialise and invest in throughout the County.*

**Policy QDP3:** Neighbourhood Context Support and facilitate proposals which contribute in a positive manner to the character and setting of an area.

**Policy QDP4:** Healthy Placemaking

**Policy QDP5:** Connected Neighbourhoods

**Section 5.2.5 refers to policies relating to Public Realm** - *“Key to the achievement of successful and sustainable neighbourhoods is the provision of a high-quality public realm....”*

**Policy QDP6:** Public Realm

Section 5.2.6 relates to **High Quality and Inclusive Development**

**Policy QDP7:** High Quality Design – Adaptability and Inclusivity

Section 5.2.7 relates to **Density and Building Heights**. Section 5.2.7 states the following in relation to building height and density: *...In response to such policy provisions and guidelines, in particular SPPR1, this plan is accompanied by South Dublin County’s Building Height and Density Guide (Appendix 10).*

**Policy QDP8: High Quality Design** – Building Height and Density Guide (BHDG)

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

**Policy QDP9: High Quality Design** - Building Height and Density Apply a context driven approach to building heights in South Dublin, as supported by South Dublin’s Building Heights and Density Guide.

**Policy QDP10: Mix of Dwelling Types**



## **Policy QDP11: Materials, Colours and Textures**

### **Chapter 6 relates to Housing.**

Section 6.7.1 includes policies relating to **Residential Design and Layout**.

Section 6.7.2 includes policies relating to **Private and Communal / Semi-Private and Public Open Space**.

Section 6.7.3 includes policies relating to **Private and Semi-Private Open Space**

Section 6.7.4 includes policies relating to **Internal Residential Accommodation**

Section 6.7.5 includes policies relating to **Privacy and Security**

Section 6.8 includes policies relating to **Residential Consolidation in Urban Area**

**Chapter 7 relates to Sustainable Movement**; the following policies are of relevance:

**Policy SM2** relates to Walking and Cycling

**Policy SM2** relates to Public Transport

**Policy SM6** relates to Traffic and Transport Management

**Policy SM7** relates to Car Parking and EV Charging

### **Chapter 8 relates to Community Infrastructure and Open Space**

**Table 8.2:** Public Open Space Standards

<b>Land Use</b>	<b>Public Open Space Standards (minimum)</b>
Overall Standard	2.4 Ha per 1,000 population
New Residential Development on Lands Zone RES-N	Minimum 15% of site area
New Residential Development on Lands in Other Zones including mixed use	Minimum 10% of site area
Institutional Lands / 'Windfall' Sites	Minimum 20% of site area

### **Section 8.7.4 Delivery of Public Open Space and Contributions in Lieu**

### **Chapter 9 relates to Economic Development and Employment**

Section 9.4 South Dublin County's Retail Strategy

## Section 9.7 Betting Shops / Off-Licence

**Policy EDE17: Retail - Off Licences and Betting Offices** - Manage the provision of off-licences and betting offices and prevent an excessive concentration of these land uses.

EDE17 Objective 1: To prevent an excessive concentration of off-licence and betting offices in our urban areas.

**Chapter 11 relates to Infrastructure and Environmental Service**

**Chapter 12 relates to Implementation and Monitoring.**

## Section 12.9.5 Retail Development

### 6.4. Natural Heritage Designations

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

## 7.0 The Appeal

### 7.1. Grounds of Appeal

Third Party appeal by Declan and Caroline Looby. The concerns raised are summarised below: -

- concern regarding the traffic congestion already experienced at this location has not been addressed.
- There is not enough space within this complex to accommodate all the supermarket deliveries which are HGV's, customer traffic to store and customers to the creche and also staff parking for both of these units
- Concern regarding the number of off licenses and stores which are the same as the proposal in the area has not been addressed as this area has an excessive concentration of off licenses

## **7.2. First Party Response to Third Party Appeal**

In the first instance the response from the First Party relates to the Third Parties submission to the Local Authority and not the appeal to the Board. Regarding the issues raised in the Appeal the response sets out:

- The application is a modification of a permitted SHD.
- The rationalisation and reconfiguration of the ground floor plan of the creche provides for the same quantum of creche facilities and the same number of occupants as the permitted SHD.
- 14 no. additional cycle spaces are proposed to accommodate the retail and creche units and combined with the Mobility Management Plan measures will address demand generated. TTA assessment noted and previous ABP assessment as part of SHD granted.
- Set down area consistent with permitted set down area at 22m x 3.5m and can accommodate two rigid delivery trucks.
- Future retail occupier confirmed as Tesco, operating Mon-Fri 9am -10pm, Sat-Sun 8am -10pm with two deliveries a day at 6am and 8am midweek occasional weekend deliveries only and will not conflict with creche hours.
- Reference to analysis of retail and Off-Licence's in the area as submitted with application to SDCC. Off Licence ancillary to retail unit and consistent with Development Plan policies.
- It is set out that no major traffic impacts were raised in the original inspectors reports for the SHD and that the development is an amendment to this scheme.
- Noting the SDCC recommendation and condition no. 4, it is set out that access and internal arrangements were previously designed to accommodate emergency vehicles and a swept path assessment is included on drawing no. 22229-PLA-600 Rev A in response to the appeal.

## **7.3. Planning Authority Response**

Planning Authority response was received on 20<sup>th</sup> August 2024. The Planning Authority confirms its decision as states that the 'issues raised in the appeal have been covered in the Chief Executive Order'.

#### **7.4. Observations**

None

### **8.0 Assessment**

Having inspected the site and examined the application details and all other documentation on file, including all of the submission received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal can be addressed as follows:

- Principle of Development
- Proposed Amendments
- Traffic Impact and Car Parking

#### **8.1. Principle of Development**

8.1.1. The proposed development relates to the amendments to permitted strategic housing development (ABP-309658-21) to include:

- Change of use at Ground Floor Level of Block B from the permitted Café to proposed retail unit and the incorporation of an off-license area within the proposed retail unit.
- Internal reconfiguration of permitted creche area from c. 261sq. m to c. 235sq.m.
- Internal reconfiguration and reduction of permitted tenant amenity facilities (communal areas) from c. 472.1sq. m to c. 426.6 sq. m.
- Siting of proposed signage/advertising associated with the proposed Retail unit.
- Amendments to permitted residential apartments on Level 5 of Block C, consisting of replacing 2 no. 3 bed (5 person) units with 2no. 2 bed (4 person) units and a new additional 2 bed (3 person) unit.
- Overall scheme will be increased from permitted 163no. units to 164no. units (1no. Studio, 57no. 1 bed, 99no. 2 bed and 7 no. 3 bed).
- Provision of an additional external Bicycle Parking Stand with 14 no. parking spaces located to the East of the building to cater for retail and creche usage.

- Changes to Level 6 of Block B, to include external retail plant at roof level within the permitted envelope of the development, to include ventilation louvres to the North & East façade and a louvred roof access door for maintenance purposes only.

8.1.2. Of note work has commenced on site pursuant to the grant of planning permission SHD Ref. ABP 309658-21 with the primary building structure complete.

### *Zoning*

8.1.3. The South Dublin County Council Development Plan 2022-2028 is the relevant statutory plan for this area. The site is zoned 'REGEN' – 'To facilitate enterprise and / or residential-led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery.', under the South Dublin County Development Plan 2022 – 2028. The site is also located within the City Edge Framework Plan area which is for a large-scale regeneration project.

8.1.4. The proposed residential (and associated amenities) and childcare uses are permitted in principle under the REGEN zoning objective (Table 12.4 refers) and the Development Plan Core Strategy (Table 8) identifies capacity for housing development in this area. Table 12.4 sets out that an Off-licence is 'open for consideration' on REGEN zoned lands.

8.1.5. The PA in their assessment note that under the *Definition of Use Classes* as set out in 2022-2028 Development Plan (Appendix 6), 'Shop-Local' is defined as a local shop of not more than 100sqm, with 'Shop-Neighbourhood' defined as 'smaller shops giving a localised service in a range of retail trades or businesses such as butcher, grocer, newsagent, hairdresser, dry cleaning or launderette, and designed to cater for normal neighbourhood requirements. It also includes a small supermarket on a scale directly related to the role and function of the settlement and its catchment and not exceeding 2,500 sq.m. net retail floorspace'. The PA contend and I would agree that having regard to the floor space of the proposed retail unit subject to this application, stated as 363.5sqm, this retail unit would constitute a 'Shop/Neighbourhood' use, which is 'Open for Consideration' under the 'REGEN' zoning objective of the subject site.

- 8.1.6. Having regard to the above, I consider that the principle of the proposed development acceptable within this zoning category, subject to the detailed considerations below. I further note that the Planning Authority raised no objection to the principle of the amendment's proposed.

#### *Residential Standards*

- 8.1.7. Whilst not raised in the appeal, by way of information for the Board, It is considered that the proposed development in terms of floor areas, privacy, aspect (43% achieved), natural light and ventilation and private open space and communal open space would be acceptable and in accordance with Development Plan standards and Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (the 'Apartment Guidelines') and remain largely consistent with the permitted scheme. (I refer the Board to the cover letter submitted by the project architects dated 2<sup>nd</sup> May 2024). The Planning Authority have raised no issues in this regard.
- 8.1.8. I further note that there is no amendment to the permitted building height.

#### Conclusion

- 8.1.9. The site is a brownfield site, and I am satisfied that the lands uses proposed are provided for in the zoning matrix of the Development Plan as set out in Table 12.4. Furthermore, the redevelopment of the site is in accordance with policy CS4: *Active Land Management* of the Development Plan, CS4 Objective 2 which seeks '*to promote the delivery of residential development through active land management measures and a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas*' and Policy EDE4: Urban Growth, Regeneration and Placemaking, Objective 10 to '*support the City Edge / City Edge Strategic Framework and any future framework for the area in delivering urban growth and regeneration for the County and the wider Region, recognising its significant potential as the largest regeneration area in the country*' and is therefore acceptable.

## **8.2. Proposed Amendments**

### *Retail Unit and Office Licence*

- 8.2.1. As noted, the proposed amendments seek to revise the ground floor level of Block B omitting the permitted Café and introducing a retail unit (c.363.5 sq.m) and the incorporation of an Off-licence area within the proposed retail unit (c.24.4 sq.m).
- 8.2.2. The appellants have raised concern that the existing provision of an off-licences and stores which are the same as the proposal in the area has not been addressed and this area has an excessive concentration of off licenses.
- 8.2.3. It is the applicant's contention that the existing convenience food stores in the immediate catchment (the local centre of Walkinstown) are limited by the range and amount of products they provide. They generally provide for top up shopping only. The closest large convenience retailer is Supervalu, which is almost 1 km form the site.
- 8.2.4. It is policy of the Planning Authority under Policy EDE8: Retail - Overarching Economic Development and Employment (EDE) of the 2022-2028 CDP to 'ensure adequate retail provision at suitable locations in the County....'. In Table 9.2 of the Development Plan CDP, Walkinstown is broadly identified within a District Centre with a Level 3 Retail Hierarchy. In addition, Table 9.1 of the CDP outlines that district centres should provide a range of comparison shopping and other mixed uses. In this regard and having regard to the floor area of the retail units at 363.5sqm which is under the 1000sqm threshold for a Retail Impact Assessment as set in section 12.9.5 of the Development Plan and owing to the existing and anticipated population growth in the area including the parent permission which this application seeks to amend and the 'REGEN' zoning of the site, I am satisfied that the proposed retail unit which the applicant has stated will be operated by Tesco is acceptable in scale at this location and would not adversely impact on the vitality or viability of the existing retail centres in the wider area.
- 8.2.5. Regarding the Off-licence, Policy EDE17: Retail - Off Licences and Betting Offices of the Development Plan seeks to - Manage the provision of off-licences and betting offices and prevent an excessive concentration of these land uses (*EDE17 Objective 1: To prevent an excessive concentration of off-licence and betting offices in our urban areas*). However, section 12.9.5 *Retail Development (ii) Restrictions on Uses* sets out

that the provision of a small section of a convenience shop for an ancillary Off-licence use is generally acceptable. I do not consider 24.4sqm to be significant floor area and I am satisfied this the Off-Licence is small in scale and therefore consistent with section 12.9.5. I am further satisfied that the Off-Licence would provide an additional amenity and choice for residents.

- 8.2.6. Regarding concerns about over-proliferation Off-Licences, I note the applicant has provided an analysis of Off-licence facilities within 1km of the subject site. The assessment notes that there are seven no. off-licences within the catchment area. The nearest was identified approx. 335m from the site, while the remaining six are located between 500m to 1km, with a walking time of approximately 11-18 minutes. Only 1 no. off-licence was identified within 500m of the application site, the area considered most likely to be catered for by the proposed off-licence. Having regard to the small scale of the Off-licence as set out above and the fact that the Off-licence is ancillary to the primary retail use, the distance from other Off-licences and the expanding local population, I am satisfied that the proposed Off-licence would not result in an overconcentration of off-licences within the subject area and would therefore be acceptable.

#### *Reconfiguration of Permitted Creche*

- 8.2.7. The current application seeks to reduce the floor area of the permitted creche from c. 261sq. m to c. 235sq.m, a total of 26sqm and relocate the creche within the permitted building envelop. The permitted creche facility previously included internal steps and a platform lift to manage the change in floor level off the street. The proposed amendment would address internal and external floor levels finish due to the internal reconfigurations and provide level access. The revised layout will result in a more accessible and useable facility and is therefore acceptable. Regarding concerns raised by the EHO with respect to the quantum of floor area per child and noise impact, I agree with the PA that these matters can be addressed by condition. In any case noise associated with creche operations will be limited to the opening hours only. The proposed amendment does not seek any changes to the permitted capacity of same and external play space will be provided to the rear. I have no concerns regarding the



proposed amendment to the creche.

#### *Amendments to Residential Elements*

8.2.8. A total of 163 no. residential units were permitted under the parent SHD ABP-309658-21. An additional unit is now sought on Level 5 of Block C to bring the total quantum to 164no. units. The granted Block C, Level 5 includes 2 no. 3 bed units (total 10 no. occupants), which is proposed to be revised to 2 no. 2 bed (4 person) units and 1 no. 2 bed (3 person) units (total 11 no. occupants). This would be an increase of 1 no. unit to 164 no. for the entire development. As set out above the required development standard with regards to private amenity space, storage area space and minimum internal floor space requirements have been met. The modifications proposed are located within the permitted envelope of Block C and are therefore acceptable in my opinion. I further note that the PA are satisfied that the unit mix adheres to Development Plan standards and raised no concerns in this regard.

8.2.9. With respect to internal communal space reconfigurations, the 'Communal Lounge 2' (54.4 m<sup>2</sup>) indicated on the permitted floor plan to the East of Block B Entrance area, has been relocated and combined within the Communal Lounge 2 at First floor level in Block B at a loss of 45.5m<sup>2</sup> (9.6%). Notwithstanding the reduction in overall floor area, the amalgamation of the spaces is acceptable, in my opinion, and provides for a central useable space accessible to all residents and would not adversely impact on the residential amenities.

#### *Signage*

8.2.10. The proposed signage only relates to the retail shop. Three no. retail signs are proposed along the southern elevation of the ground floor (I refer the Board to the Proposed South and West Elevations). The applicant argues that this will be modest, and appropriate signage for this form of development, which will not impact on the overall character of design of permitted development but will enable customers to clearly understand where the entrance is and the type of shop it is. The PA raised no objection subject to the signage details adhering to Section 12.5.7 and the criteria outlined in Table 12.19 of the 2022-2028 Development Plan. The Planning Authority

is satisfied this can be addressed by way of condition in the event of a grant, I would agree.

#### *Cycle Parking*

- 8.2.11. The amendments proposed provide for an additional 14 no. external Bicycle parking stands to the east of the building to cater for retail and creche usage. I am satisfied that the proposed bicycle parking spaces located at street level in proximity to the retail space and creche is acceptable. I further note the parking will be located on Grasscrete or similar permeable paving system and will therefore have a negligible impact on the surface water drainage calculations and the footpath fronting the site. No further change to the granted landscaping design is proposed.

#### *External Changes*

- 8.2.12. Minor changes a proposed to Level 6 of Block B, to include external retail plant within the permitted envelope of the development, other changes include ventilation louvres to the North façade of the proposed Plant area and a louvred Roof access door for maintenance purposes only. (I refer the Board to proposed Sixth Floor Plan and proposed East and North Elevations). The Board will note that the Plant area will be recessed from the street level and will not extend beyond the permitted overall building height. The nearest residential unit (Apartment No. 125) is located to the immediate south of Plant area, in this regard appropriate measure will be required to be implemented to mitigate potential noise from the plant. I am satisfied that this can be addressed by way of condition should the Board be minded to grant planning permission.
- 8.2.13. With regard to the alterations to the permitted facades to include ventilation louvres to the North and East façades, the overall design and appearance of the development would not be significantly altered. I agree with the PA that the external elevations would remain commensurate to the permitted development and full details regarding the materials and finishes can be addressed by way of condition should the Board be minded to grant planning permission.

## **Conclusion**

- 8.2.14. On balance, I consider the proposed changes to the scheme are minimal and respect the extant permission. The addition of one residential apartment is not significant and overall the scheme maintains a balanced mix and range of apartment types and will provide diversity to the local housing stock by offering a wide choice of apartments that will respond to population growth across all age cohorts.

The size and scale of the retail unit and integrated Off-Licence is considered acceptable in the context of the site and emerging development in this REGEN area. It is considered that the proposed development provides for the creation of an attractive, high quality, sustainable new development within an existing built-up area. The subject site benefits from an extant permission for a mixed-use development. The design of the proposed development has been carefully considered to integrate into the existing urban environment, as well as producing a building of high architectural quality and purpose. The changes proposed are subtle with no resultant impact to the overall character and appearance of the permitted development.

### **8.3. Traffic Impact and Car parking**

- 8.3.1. Third party concerns were raised that traffic congestion already experienced at this location has not been addressed and that there is not enough space within this complex to accommodate all the supermarket deliveries which are HGV's, customer traffic to store and customers to the creche and also staff parking for both of these units.
- 8.3.2. Vehicular access is permitted from Ballymount Road Lower by means of a simple priority junction arrangement located towards the west of the site, leading to 65 car parking spaces, a service area and 357 cycle parking spaces. A vehicular layby fronting the development site adjacent to the eastbound carriageway of the Ballymount Road Lower was also permitted under ABP-309658-21 accommodating a further four car parking spaces. This proposed amendment scheme reflects the permitted layout save for the inclusion of additional cycle parking to the front (east) of the site.
- 8.3.3. Section 7.10 of the Development Plan relates to Car Parking. Car parking standards are outlined within Section 12.7.4 of the Development Plan (Tables 12.25 and 12.26)

for residential and commercial developments. The Development Plan establishes the number of spaces provided for any residential development should not exceed the maximum provision. The maximum provision should not be viewed as a target and a lower rate of parking may be acceptable subject to the proximity of the site to public transport and the quality of the transport service it provides. I note the site is well serviced by public transport (I refer the Board to section 3.0 of the TTA submitted with this application and 1.0 above) and the addition of one apartment will not generate significant additional traffic at this location over and above the permitted scheme and is acceptable in accordance with Development Plan provisions and the Apartment Guidelines (2023).

- 8.3.4. Regarding the increased traffic movements generated by the retail unit, the proposed retail unit (363.50sq metres) would replace the permitted café having a floor area of 155.40sq metres. Table 2.25 of the Development Plan sets out a requirement of 1 space per 15sqm for both Café and Convenience Retail use, equating to a car parking requirement of 10 car parking spaces and 24 car parking spaces respectively. The permitted scheme provided four dedicated 'set down' spaces along the adjacent public road. It is anticipated that both the retail unit and creche will use these spaces on a non-exclusive basis, proposing a 15-minute max stay. No other car parking has been provided for these uses.
- 8.3.5. As recommended by the NTA's Transport Strategy for the Greater Dublin Area (2016-2035), as updated to 2042, the Council applies maximum standards for a range of land use types, with the level of parking provision applied being based on the level of public transport accessibility. The Development Plan (section 7.10 Car Parking) states parking levels will be determined in line with the standards for particular uses, having regard to location and accessibility levels of public transport. Additional vehicular traffic is not anticipated. As noted above the site is well served by public transport and the proposed convenience retail unit will service the residential development the subject of this application and the immediately adjoining community both residential and industrial within walking distance of the site.
- 8.3.6. Regarding the crèche facility within this development site which would cater for 25

children with 6 to 7 staff members, the no. of staff and capacity has not altered from the permitted SHD permission. I further note that it is the applicant's contention that this land use would not generate new trips but would involve a series of linked trips with residents dropping off or collecting children as part of a work-related trip or as a school related trip and that the majority of the crèche employees would walk or use public transport to access this facility. In the context of this accessible site location, I have no concerns in this regard and note that demand has not altered from the permitted SHD development, ABP-309658-21.

- 8.3.7. As stated it is not proposed to alter the original car parking layout as permitted under ABP-309658-21 and no additional car parking will be assigned to the retail unit and/or the creche. The set down area will serve a dual function for deliveries and set down for the creche. In light of the delivery times proposed (as set out below) and the 15minute-stay time limit proposed and subject to the implementation of the Mobility Management Plan accompanying this application, I am satisfied in the context of the site's location, intended end users and accessibility the development is acceptable. I note the PA raised no concerns in this regard.

#### *Deliveries*

- 8.3.8. Having regard to the particular concerns raised regarding deliveries. The TTA sets out that deliveries would typically be serviced out of trading hours by 1 to 2 service vehicles per day. The service vehicles generally take 20 minutes to complete a delivery which would take place between 0600hrs and 0800hrs. This is reiterated in the applicant's response to the appeal. I note the internal report from the Roads Department states that the use of the set down area as a loading bay for the retail deliveries at specific times is not enforceable by planning condition and that the deliveries and servicing of retail units should be contained within the development and not on the public road. Whilst I note the concerns of the Road Department, it is commonplace for deliveries to take place at street level. Having regard to the anticipated delivery hours, I am satisfied that deliveries to the proposed retail unit will not result in a detrimental traffic hazard at this location.
- 8.3.9. I further note that the Roads Department noted inconsistency as regards the number

of set down spaces in the documentation. I am satisfied that the documentation submitted indicates a total of four set down spaces along Ballymount Road lower. Similarly, I am satisfied that in light of the fact that no alterations are proposed to car parking provision and deliveries will take place at street level, revised car parking drawings and auto tracking for deliveries are not warranted, in my opinion. Access and internal arrangements were previously designed to accommodate emergency vehicles and a swept path assessment is included on drawing no. 22229-PLA-600 Rev A as part of the first party response to the appeal.

### **Conclusion**

- 8.3.10. I am satisfied that sufficient car parking has been provided on the site having particular regard to the site location relative to public transport and the provisions of the Development Plan and the Apartment Guidelines 2023 which provide for reduced car parking for development in 'accessible' locations.

It is inevitable that traffic in all forms will increase as more housing and the proposed retail comes on stream. However, I am satisfied that the components are in place to facilitate access to the proposed site and to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of the mobility management plan and car parking strategy submitted by the applicant. The operation of a Mobility Management Plan within this site promotes public transport, cycling and walking and can limit the extent of car borne trips.

Any additional traffic generated will not be significantly over and above the permitted scheme and can be regarded as negligible in terms of traffic impact and unlikely to have any material traffic impact on the adjacent road network

I further note the Roads Department have reviewed the application and have stated they are satisfied with the level of car, bicycle, electric vehicle, mobility, and motorcycle parking spaces proposed.

## **9.0 Appropriate Assessment**

- 9.1.1. I refer the Board to Appendix A attached.

- 9.1.2. The subject site is not located within nor within close proximity to a European site. The proposed development relates to amendments to a permitted development and a proposed change of use to retail.
- 9.1.3. Appropriate Assessment Screening was carried out on the parent application SHD ABP-309658-21 and concluded that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of the sites' Conservation Objectives, and therefore Appropriate Assessment Stage 1 (and/or submission of a NIS) is not therefore required.
- 9.1.4. Having regard to the minor nature and scale of the proposed development on serviced lands, the nature of the receiving environment, which comprises a built-up urban area, the previous planning assessment carried out under SHD Ref. ABP-309658-21 and the conclusions therein, I am satisfied that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on a European Site.

## **10.0 Environmental Impact Assessment**

- 10.1.1. I refer the Board to Appendix B attached.
- 10.1.2. The site is an urban brownfield site (zoned REGEN) located at the edge of an industrial / commercial area and adjacent to existing housing. The proposed development relates to amendments to a permitted development and a proposed change of use to retail.
- 10.1.3. An Environmental Impact Assessment (EIA) Screening Report was not submitted with the application. Screening for Environmental Impact Assessment was carried out on the parent application SHD ABP-309658-21 and concluded:
- the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the*

*potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered..’.*

10.1.4. Having regard to the nature and scale of the proposed development, the brownfield nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## **11.0 Conclusion and Recommendation**

Having regard to the above assessments, I recommend that permission be granted for the proposed development, subject to conditions, and for the reasons and considerations set out in the draft Order below.

## **12.0 Recommended Board Order**

**Planning and Development Acts 2000 to 2020 as amended.**

**Planning Authority:** South Dublin County Council

**Planning Register Reference Number:** LRD24A/0003

Appeal by Declan and Caroline Looby against the decision made on the 2<sup>nd</sup> of July 2024 by South Dublin County Council to grant permission to Montane Developments (Ireland) Unlimited Company for the proposed Large Scale Residential Development application.

**Location:** Former CHM Premises, Ballymount Road Lower, Walkinstown, Dublin 12, D12 CK60.



**Proposed Development:** Development of a Large-scale Residential Development (LRD) will consist of:

amendments to permitted Strategic Housing Development (SHD) (Ref. ABP-309658-21)), which has permission for a residential development of 163 apartments with supporting tenant amenity facilities (gym, lounges and meeting room), café, creche, landscaping, public realm improvements, parking, and all ancillary site development works. The proposed amendments include the following:

- Change of use at Ground Floor Level of Block B from the permitted Café to proposed retail unit (c.363.5 sq.m).
- The incorporation of an off-license area within the proposed retail unit (c.24.4 sq.m).
- Siting of proposed signage/advertising associated with the proposed Retail unit.
- Internal reconfiguration of permitted creche area with the gross floor area reducing from c. 261sq. m to c. 235sq.m.
- Internal reconfiguration and reduction of permitted tenant amenity facilities (communal areas) from c. 472.1sq. m to c. 426.6 sq. m.
- Amendments to permitted residential apartments on Level 5 of Block C, consisting of replacing 2 no. 3 bed (5 person) units with 2no. 2 bed (4 person) units and an additional 2 bed (3 person) unit. Overall the residential provision will increase from permitted 163 no. units to 164 no. units (1no. Studio, 57no. 1 bed, 99no. 2 bed and 7 no. 3 bed).
- Changes to Level 6 of Block B, to include external retail plant at roof level within the permitted envelope of the development, to include ventilation louvres to the North & East façade and a louvred roof access door for maintenance purposes only.
- Provision of an additional external Bicycle Parking Stand with 14 no. parking spaces located to the East of the building to cater for retail and creche usage. All other associated site development works, services provision, access, parking, landscaping and boundary treatment works to be carried out as otherwise granted under the parent permission Reg. Ref. ABP-309658-21 (and associated conditions).

**Decision:** Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and

subject to the conditions set out below.

### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

### **Reasons and Considerations**

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

- (a) the location of the site in an area where residential/mixed use development is permitted under zoning Objective 'REGEN' – *'facilitate enterprise and / or residential led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery'*.
- (b) the policies and objectives of the South Dublin County Development Plan 2022-2028.
- (c) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (d) The planning history;
- (e) The pattern of existing and permitted development in the area;
- (f) The provisions of Housing for All, A New Housing Plan for Ireland 2021;
- (g) The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage, 2024
- (h) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (i) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2023;

(j) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

(k) The provisions of the Climate Action Plan 2024

(l) The policies and objectives set out in the National Planning Framework

(m) The policies and objectives of the Regional and Spatial Economic Strategy for the Eastern and Midland Regional Assembly

(n) The grounds of appeal received

(o) The observations received

(p) The submission from the Planning Authority

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the minor nature and scale of the proposed development on serviced lands, the nature of the receiving environment, which comprises a built-up urban area, the previous planning assessment carried out under SHD Ref. ABP-309658-21 and the conclusions therein, the Board agreed with and 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.

### **Environmental Impact Assessment Screening**

The Board completed an environmental impact assessment screening exercise of the proposed development and considered that having regard to the minor nature and scale of the proposed development, the brownfield nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, the previous planning assessment carried out under SHD Ref. ABP-309658-21 and the conclusions therein, the Board agreed with and adopted the report of the Planning Inspector and concluded that the proposed development is not likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

### **Conclusions on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this suburban / brownfield location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of impacts on traffic, would provide an acceptable form of residential amenity for future occupants. The Board considered that the proposed development would be compliant with the provisions of the South Dublin County Development Plan 2022-2028, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **13.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application received by South Dublin County Council on the 9<sup>th</sup> of May 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. All relevant conditions associated with the parent permission SHD ABP-309658-21 save where modified by the conditions attached thereto shall apply to this application.

**Reason:** In the interest of the proper planning and sustainable development of the area.

3. Prior to the commencement of development the applicant shall submit the following for the written agreement of the Planning Authority:
  - a) Details of any advertisements/signage relating to the change of use hereby permitted. The applicant shall ensure that any signage conforms with the guidance provided in Section 12.5.7 and Table 12.19 of the 2022-2028 CDP. The level of illumination of any lighting proposed for signage shall be reviewable at any time by the Planning Authority, and adjustments shall be made by the applicant at their own expense if required to do so by South Dublin County Council.
  - b) Details of waste management and hours of operation of the non-residential units shall be submitted to and agreed in writing with the planning authority.

**Reason:** in the interests of visual amenity.

4. Prior to the commencement of development, the applicant is requested to submit the following for the written agreement of the Planning Authority:
  - a) An acoustic assessment to demonstrate that the retail Plant proposed to Level 6 of Block B does not pose a nuisance to occupiers of the apartments, having particular regard to the impact on Apartment no. 125;
  - b) Details of a noise abatement policy and measures required to be taken to minimise noise nuisance from delivery vehicles in relation to existing residential units in the immediate vicinity of the retail unit.

**Reason:** In the interest of public health and safety and to manage nuisance arising from noise.

5. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, windows and doors shall be submitted to and agreed in writing with, the planning authority prior to

commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

6. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of /installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed is made available for occupation.

**Reason:** In the interest of public safety and visual amenity.

7. (a) The areas of the development for Taking in Charge shall be agreed in writing with the planning authority, prior to the commencement of development on site. Details for submission should include a plan indicating any part of the development, as approved, intended to be offered for Taking-in-Charge to the Planning Authority, such areas shall be fully consistent with the Planning Authority's Taking-in-Charge policy and requirements. The plan shall make provision for all of the following:
  - (i) All drainage and service ducts including accessories are fully located in, and accessible from, areas to be offered for Taking-in-Charge.
  - (ii) Where applicable any wayleaves in favour of SDCC shall be fully executed prior to being offered for Taking-in-Charge.
  - (iii) Site features to be retained and protected within any part of the approved development intended to be offered for Taking-in-Charge.
- (b) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (c) 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, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of the development in the interest of residential amenity

8. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the plan of the area.

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development , coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as

the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion of 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.

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Irené McCormack

Senior Planning Inspector

26th September 2024



### **Appropriate Assessment: Screening Determination**

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

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The subject site is not located within or adjacent to any European Site. The nearest European sites are in the Dublin / Wicklow Mountains (Glenasmole Valley SAC [Site Code 001209] 6.8 km south; Wicklow Mountains SAC [Site Code 002122] and Wicklow Mountains SPA [Site Code 004040] both 9.2 km south) and Dublin Bay (South Dublin Bay SAC [Site Code 000210] 8.5 km east; South Dublin Bay and River Tolka Estuary SPA [Site Code 004024] 8.6 km east; North Dublin Bay SAC [Site Code 000206] and North Bull Island SPA [Site Code 004006] both 11.4 north-east).

The proposed development is located within an urban area and comprises amendments to a previously permitted Strategic Housing Development Ref. ABP-309658-21 which is currently under construction. The proposed development comprises the change of use at ground floor level of Block B from café to retail unit, incorporation of off-licence area within proposed retail unit, signage, internal reconfiguration of permitted creche area and communal areas, amendments to apartments on level 5 of Block C, overall residential provision will increase from permitted 163 to 164 units, changes to level 6 of Block B, additional bicycle parking stand and associated site development works

Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and nature of the development
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## Appendix B

Form 1

### EIA Pre-Screening [EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	320249-24		
<b>Proposed Development Summary</b>	Amendments to permitted strategic housing development (ABP-309658-21): Change of use at ground floor level of Block B from café to retail unit, incorporation of off-licence area within proposed retail unit, signage, internal reconfiguration of permitted creche area and communal areas, amendments to apartments on level 5 of Block C, overall residential provision will increase from permitted 163 to 164 units, changes to level 6 of Block B, additional bicycle parking stand and associated site development works		
<b>Development Address</b>	Former CHM premises, Ballymount Road Lower, Walkinstown, Dublin 12		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	x
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	x	An environmental impact assessment would mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district. In addition, Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7	Proceed to Q.3

3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		The proposal for amendment to the permitted development for 163 no. residential units (ABP-309658-21) on a site of 0.93 ha is below the mandatory threshold for EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA.		No EIAR or Preliminary Examination required
Yes		n/a		Proceed to Q.4

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

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	320249-24
<b>Proposed Development Summary</b>	Amendments to permitted strategic housing development (ABP-309658-21) Change of use at ground floor level of Block B from café to retail unit, incorporation of off-licence area within proposed retail unit, signage, internal reconfiguration of permitted creche area and communal areas, amendments to apartments on level 5 of Block C, overall residential provision will increase from permitted 163 to 164 units, changes to level

	6 of Block B, additional bicycle parking stand and associated site development works	
Development Address	Former CHM premises, Ballymount Road Lower, Walkinstown, Dublin 12	
<b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b>		
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector’s Report attached herewith.</b>		
	Examination	Yes/No/ Uncertain
<b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?  Will the development result in the production of any significant waste, emissions or pollutants?	<p>The development comprises the Change of use at ground floor level of Block B from café to retail unit, incorporation of off-licence area within proposed retail unit, signage, internal reconfiguration of permitted creche area and communal areas, amendments to apartments on level 5 of Block C, overall residential provision will increase from permitted 163 to 164 units, changes to level 6 of Block B, additional bicycle parking stand and associated site development works</p> <p>I would note that the uses proposed are similar to predominant land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents.</p>	No
<b>Size of the Development</b> Is the size of the proposed development exceptional in the	<p>The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance nor it is located with the designated Conservation Area.</p>	No

<p>context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>I would note that the uses proposed are similar to predominant land uses in the area. The works proposed are located within the permitted building envelop.</p>	
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance</p> <p>The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance</p>	<p>No</p>
<p><b>Conclusion</b></p>		

<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p>	<p>I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility and it would not be likely to have significant effects on the environment.</p>
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**Inspector:**

**Date:**