



An
Bord
Pleanála

Inspector's Report

ABP-320724-24

Development

Modifications to Reg. Ref. D22A/0475 and ABP Ref. ABP-316304-23 involving a revised basement layout and a reduction in car parking spaces, with all associated site and development works.

Location

St. Anne's Convent, Kilmacud Road Upper, Kilmacud, Stillorgan, Co. Dublin, A94 P5W6.

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D24A/0426/WEB

Applicant

St. Anne's Property Limited

Type of Application

Planning Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellants

Alison Fergusson and Ray O Meara

Observers

None

Date of Site Inspection

12th December 2024

Inspector

Margaret Commene

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1.0 Site Location and Description

- 1.1. The appeal site comprises a 0.25Ha regular shaped plot located to the rear of the Whately Place residential development, which is located off Kilmacud Road Upper, Stillorgan, Co. Dublin. Access to the site is available along the northern boundary via Whately Place. It is occupied by the remaining part single-part double storey building of the former St Anne's Convent. Site clearance works, associated with the development approved under Reg. Ref. D22A/0475 and ABP Ref. ABP-316304-23, appear to have commenced on site but at the time of my site inspection, the convent building remained in situ. There is a level difference across the subject site, falling slightly from south to north. Mature trees and planting feature along the sites western and southern boundaries.
- 1.2. The site is located within an established residential area, approximately 400 metres south-west of Stillorgan Village Shopping Centre and approximately 800 metres south-east of Goatstown. The sites northern, eastern and southern boundaries abut No. 62 Whately Place (a two storey semi-detached dwelling); Whately Place Apartments (3 storey duplex units with a central courtyard amenity space) and Whately Lodge (a single storey dwelling); and No. 3 The Orchard Whately Place (two storey semi-detached dwelling), respectively. The sites western boundary abuts the rear gardens of Nos. 81-91 Marsham Court, which comprise of two storey semi-detached dwellings.
- 1.3. Dublin Bus Stops No. 445 and 4460, which are served by Bus Route Nos. 11, 47, 116, and L25, are located on Kilmacud Road Upper to the immediate east and the site is c. 900 metres north of the Stillorgan Luas Station. Moving forward, the Bus Connects Network City Bound Bus Route 86; Local Routes L13 and L25; and Peak Time Routes P13 and P16 are proposed to run along Kilmacud Road Upper.

2.0 Proposed Development

- 2.1. Permission is sought to modify previously approved Reg. Ref. D22A/0475/ABP Ref. ABP-316304-23, in the following manner:
 - Revisions to the basement layout, comprising a reduction in the floor area (from 1573.61sqm to 1200.5sqm); and
 - A reduction in the no. of car parking spaces provided (from 34 no. to 22 no.).

No changes are proposed for upper floor levels. Ground floor level changes are limited to the repositioning of the basement lift core and ventilation shaft further north.

3.0 Planning Authority Decision

3.1. Decision

Dun Laoghaire Rathdown County Council issued a Notification of Decision to Grant Permission on 7th August 2024 subject to 3 no. conditions, none of which significantly altered the proposed development.

3.2. Planning Authority Reports

3.2.1. *Planning Report*

- Under Zoning Objective 'A', residential development is permitted in principle on this site. Such residential development may be permitted where the planning authority is satisfied that the development would be compatible with the overall policies and objectives for the zone, would not produce undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.
- Given the scope of the proposed works, it is considered that the proposed development does not create undue negative impacts in terms of energy use/performance and is acceptable in terms of materials proposed.
- The site is located in a well-served area and is in close proximity to frequent bus services.
- Acknowledging Condition No. 7 of the parent permission under Reg. Ref. D22A/0475, within the context of the adjoining residences and rights of way, it is considered prudent to maintain the 5 no. visitor space requirement. This would result in 17 no. parking spaces dedicated to residents of the subject scheme.
- The proposed 17 no. resident car parking spaces would be 2 no. spaces under the maximum limit for the permitted 19 units scheme. This is considered acceptable in this instance. Further, the revised basement layout provides an

additional quantum of cycle parking, therefore, further mitigating against potential parking overspill and supporting sustainable modal shift.

- No alterations are proposed above basement level, except a minor relocation of the ground level lift core to align with the revised basement. This is considered acceptable, with no remaining concern held in relation to impact on residential or visual amenity.
- It is considered that the proposed design is sensitive to the existing residential context, would not significantly detract from the character of the surrounding area, and would be in accordance with the Dun Laoghaire Rathdown County Development Plan 2022-2028.

3.2.2. **Other Technical Reports**

Drainage Planning (23/07/24): No objection, subject to conditions

3.2.3. **Conditions**

The Planning Authority saw fit to include the following condition, at Condition No. 2:

2. *Notwithstanding the permitted reduction in car parking spaces under the subject proposal, the developer shall adhere with the conditions of the parent permission under Refs. D22A/0475; ABP-316304-23. This includes compliance with Condition No. 7 (notwithstanding the permitted reduction in overall parking spaces), noting that 5 no. spaces of the revised total of 22 no. shall be maintained for visitor use.*

Reason: To prevent unauthorised development and to protect residential amenity.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

2 no. third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- Unsuitable positioning/legibility of site notice.

- Proposed surface water disposal/discharge.
- Amenity impacts arising from reduction in car parking spaces.
- Impacts on adjoining right of way along Whately Place arising from parking overspill.
- Accuracy of submitted drawings/information regarding pedestrian access and wastewater management.

4.0 Planning History

4.1. Subject Site

4.1.1. The following previous applications pertaining to the subject site are of relevance:

PA Reg. Ref. D22A/0475 (ABP Ref. ABP-316304-23)

Permission was granted by Dun Laoghaire Rathdown County Council in March 2023 for demolition of existing building and construction of 19 no. apartments over 3 storeys, including 9 no. 1 beds, and 10 no. 3 beds duplex units, served by 34 no. car parking spaces (including 2 no. accessible bays), 6 no. motorcycle spaces and 56 no. bicycle spaces.

The Planning Authorities decision was subsequently appealed to An Bord Pleanála by a third party (ABP Ref. ABP-316304-23). The Board granted permission in April 2024.

PA Reg. Ref. D18A/0265 (ABP Ref. ABP-301872-18)

Permission was refused by Dun Laoghaire Rathdown County Council in May 2018 for demolition of existing two storey buildings on site and construction of 5-storey building containing 30 no. apartments, including 12 no. 1 beds, 12 no. 2 beds and 6 no. 3 beds, with associated surface car parking provision.

The Planning Authorities decision was subsequently appealed to An Bord Pleanála by the Applicant (ABP Ref. ABP-301872-18). The Board refused permission in April 2019 for the following reasons:

1. *Notwithstanding the residential zoning designation of the site, which is located on a major transport corridor within 200 metres of a bus stop along a Quality Bus Corridor and within one kilometre of a Luas station, it is considered that the*

proposed density of the scheme would be excessive in the context of adjoining established development at Whately Place and Marsham Court, and would, therefore, represent overdevelopment of a restricted infill site. Furthermore, by reason of its design, scale, bulk, height, and proximity to the site boundaries, it is considered that the proposed apartment block would result in an abrupt transition in scale relative to the receiving environment, would be out of character with the existing urban landscape in the vicinity, and would seriously injure the residential amenities of adjoining properties through undue levels of overlooking, overshadowing and overbearing impact. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2. It is the policy of the planning authority, as set out in the Dún Laoghaire Rathdown County Development Plan 2016 – 2022 that residential development is provided with adequate open space in the interest of residential amenity. This policy is considered to be reasonable. The proposed development is deficient in the quantum, location and quality of communal open space, and would, therefore, conflict with the provisions of the Development Plan, and would offer a poor standard of residential amenity in terms of quality open space provision for the future residents of the proposed apartments. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

PA Reg. Ref. D16A/0214 (ABP Ref. ABP-PL06D.246756)

Permission was refused by Dun Laoghaire Rathdown County Council in May 2016 for demolition of the existing buildings on site, including St. Anne's Convent, and construction of 8 no. dwellings with all associated site works.

The Planning Authorities decision was subsequently appealed to An Bord Pleanála by the Applicant (ABP Ref. PL06D.246756). The Board refused permission in September 2016.

PA Reg. Ref. D15A/0706

Permission was refused by Dun Laoghaire Rathdown County Council in January 2016 for demolition of existing buildings on site, including St. Annes Convent; the

construction of 8 dwelling houses; and a revised entrance onto Whatley Place to provide for pedestrian and vehicular access.

4.2. Adjacent Sites

4.2.1. There have been no recent applications on sites adjacent to the subject site that are pertinent to the current proposal.

5.0 Policy Context

5.1.1. Dún Laoghaire Rathdown County Development Plan 2022-2028

Land Use Zoning

The subject site is zoned Objective A in the Dún Laoghaire Rathdown County Development Plan 2022-2028 with a stated objective to *'provide residential development and improve residential amenity while protecting the existing residential amenities'*.

Other Relevant Sections/Policies

The following policies are considered relevant to the consideration of the subject proposal:

Section 4.3.1.1 Policy Objective PHP18: Residential Density

'It is a Policy Objective to:

- Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.*
- Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.'*

Section 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity

‘It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.’

Section 12.4.5.6 Residential Parking

A car parking rate of 1 space per 1 and 2 bedroom apartments, 2 spaces per 3+ bedroom apartment and 1 visitor parking space per 10 apartments is specified for sites located within Parking Zone 3.

Section 12.4.6 Cycle Parking

‘Cycle parking should accord with the Council published – ‘Standards for Cycle Parking and Associated Cycling Facilities for New Developments’ (2018) or any subsequent review of these standards’.

This document specifies a requirement of 1 short stay (visitor) parking space per 5 units and 1 long stay parking space per 1 unit in the context of apartments.

Section 12.4.7 Motorcycle Parking

A minimum motorcycle parking rate of four or more spaces per 100 car parking spaces is specified.

5.2. National Policy Documents/Section 28 - Ministerial Guidelines

The following National Policy and Guidance Documents/Section 28 - Ministerial Guidelines are considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Project Ireland 2040 - National Planning Framework.
- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).
- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).

- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).
- Cycle Design Manual (2023).
- Development Management Guidelines for Planning Authorities (2007).

5.3. Natural Heritage Designations

5.3.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)/South Dublin Bay SAC (Site Code 000210), located c. 3km north-east.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the proposed development and its location in a serviced urban area absent of any significant environmental sensitivity, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal has been submitted by Alison Fergusson and Ray O'Meara. The main points raised can be summarised as follows:

- The Planning Authority has not considered the legitimate concerns raised in the individual submissions made to the Council on the application. It is asked that the Inspectors Report include discussion on the consideration that was given by the Planning Authority in their Planners Report to the issues raised in their submissions.

- The location of the site notice, on the gate of the convent 110 metres from the main Whately Place gates on the Upper Kilmacud Road, was hidden from view by the general public and therefore did not meet Article 19(2) of the Planning and Development Regulations, 2001. Therefore, the application should have been rendered null and void from the outset. It is also noted that the site notice was obscured by a lamp post. Further to this, the reference no. D22A/0475 quoted on the site/newspaper notices was incorrect.
- The Developer acknowledges that current wastewater infrastructure of the convent building is insufficient to service the needs of the proposed 19 no. apartments. Correspondence between the Developer's agent and the Board of Whately Place GLC clearly indicates that the Developer wished to have the Board's permission to connect into Whately Place wastewater infrastructure and this request was categorically refused.
- The proposed reduction in car parking spaces will have a negative impact on the residents of Whately Place. Future residents of the apartment blocks and their service providers will undoubtedly park/trespass on Whately Place lands.
- Reference is made to the references, included in the previous Inspectors Report (under ABP Ref. ABP-316304-23) and the material submitted by the Applicant, regarding any restrictions outlined in the covenant associated with the original sale of the land being civil matters. Issues related to the right of way and landownership were not adequately considered. As Dun Laoghaire Rathdown County Council are proposing to purchase 2 no. apartments if developed, it is considered prudent for their legal service to examine the contract terms.

6.2. Applicant Response

The applicant's response to the appeal can be summarised as follows:

- With regards to matters raised regarding the site notice, it is noted that the site notice was positioned in the same spot (at the front of the site) as the notice erected in the context of the parent applicant and was mounted on an acrylic structure to ensure durability against weather conditions. Dun Laoghaire Rathdown County Council was satisfied with the location of the same.

- In the context of the commentary regarding the reference no. quoted in/on the notices, while the confusion caused among residents is regrettable, the Dun Laoghaire Rathdown County Council regulations were strictly adhered to.
- In the context of water and drainage infrastructure, it is proposed to separate the surface water and wastewater drainage networks serving the proposed development and re-use existing independent connections to the adjacent local surface water and wastewater sewer networks, which are public in nature. Surface water will be attenuated to limit the surface water outfall from the site. In terms of foul sewer, the connection serving the existing building will be utilised and the no. of units proposed has been limited to 19 no. to ensure the existing foul connection has sufficient capacity.
- The site's proximity to public transport supports a reduction in car dependency, helping to alleviate traffic congestion and lower the project's overall environmental footprint. Bicycle parking spaces are prioritised in this development. Dun Laoghaire Rathdown County Council were supportive of the proposed car parking provision resulting from the basement amendments. It is considered that the resultant reduction in car parking is consistent with national planning guidance. Further to this, by reducing the basement floor area the amount of excavation required will be significantly less, thereby minimising vibrations and associated noise. These matters were of particular concerns to neighbours.
- With regards to the legal matters raised, it is asked that the Board regard these as civil matters between the current and previous landowners of the site.

6.3. Planning Authority Response

- The Board is referred to the previous planner's report. It is considered that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. Observations

- None.

6.5. Further Responses

- None.

7.0 Assessment

From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- Procedural Matters
- Parking Provision
- Amenity Impacts
- Other Matters
- Appropriate Assessment

7.1. Procedural Matters

- 7.1.1. The grounds of appeal raises two matters pertaining to procedural matters, the first being the location/position of the site notice and the second being the inaccuracy of the reference no. quoted on the site/newspaper notices. More specifically, the appellants contend that the site notice was not erected in a viewable position from the main road/was obscured by a lamp post and therefore, did not meet the applicable Planning and Development Regulation requirements. Therefore, the application should have been rendered invalid from the outset. In this regard, I note that Dun Laoghaire Rathdown County Council validated the application and in doing so, this implies that the Council was satisfied with the location of the site notice and that it readily informed the public as to the nature and extent of the development. I am satisfied that the location of the site notice was acceptable and that it did not prevent the relevant parties from making representations on the proposed development.

- 7.1.2. With regards to the inaccuracy of the reference no., they contend that the inclusion of reference no. D22A/0475 on the site/newspaper notices wording was inaccurate. As is clearly illustrated in the plans accompanying the application, the subject proposal involves changes to the application previously granted under Reg. Ref. D22A/0475 and ABP Ref. ABP-316304-23. I am satisfied that the applicant was correct in including specific reference to this previous planning application in the wording featuring in the site and newspaper notices erected/published.

7.2. Parking Provision

- 7.2.1. The primary concern raised by the appellants is that the proposed reduction in car parking spaces will have a negative impact on the residents of Whately Place, with future residents of the apartment blocks and their service providers parking/trespassing on Whately Place lands. The applicant argues that the sites proximity to public transport and the level of bicycle parking provision within the scheme supports a reduction in car dependency, consistent with national and local planning policies.
- 7.2.2. Permission is sought for a reduction in the no. of car parking spaces provided to serve the development previously approved under Reg. Ref. D22A/0475/ABP Ref. ABP-316304-23. More specifically, the modified basement layout will result in the no. of car parking spaces provided being reduced from 34 no. to 22 no. Further to this, the basement will accommodate 48 no. bicycle parking spaces and 6 no. motorcycle parking spaces. As previously discussed in Section 3.2.3, the Notification of Decision to Grant Permission, included a condition (Condition No. 2) requiring that 5 no. spaces of the revised total of 22 no. be maintained for visitor use consistent with the conditions attached to the parent permission under Reg. Ref. D22A/0475 and ABP Ref. ABP-316304-23. I consider it prudent to maintain this visitor parking requirement and recommend that a condition be included on any Order issued by the Board requiring the development to be carried out/completed in accordance with the terms and conditions of the parent permission. Having regard to this visitor parking requirement, there would be 17 no. car parking spaces provided to serve apartment residents which equates to a resident car parking rate of 0.9 car parking spaces per apartment.
- 7.2.3. In the intervening period since the adoption of the Development Plan, the Sustainable Residential Development and Compact Settlements - Guidelines for Planning

Authorities (2024) have been introduced. The Specific Planning Policy Requirements outlined in this document take precedence over conflicting Development Plan objectives. Specific Planning Policy Requirement 3 contained therein requires that in city centres and urban neighbourhoods, car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling (which differs from the requirements specified in the Dun Laoghaire Rathdown County Development Plan 2022-2028). In the context of the subject development, this would equate to a maximum car parking provision of 19 no. car parking spaces. The Apartments Guidelines (2023) also state that, in central and/or accessible urban locations, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The subject site is deemed to be in an urban neighbourhood and a central and/or accessible urban location, in the context of these aforementioned guidance documents, as it is proximate to the Stillorgan Luas Station, as well as existing and proposed bus routes running along Kilmacud Road Upper to the immediate east. In addition to its proximity to public transport services, the subject site is also within close proximity of Stillorgan Village and Sandyford, both of which offers a choice of education, childcare, community/cultural, healthcare, religious and retail facilities, as well as recreational grounds/sports clubs.

7.2.4. While the concerns of the appellants are noted, it is my view that having regard to the site's central and/or accessible urban location/proximity to public transport, its proximity to a range of services and amenities, and the extent of bicycle parking space provision proposed on site, I am satisfied that sufficient car parking has been provided in this instance, consistent with the national planning policy, and the proposed amendment would not result in overspill onto the surrounding road network. Upon review of the plans accompanying the application, I am satisfied that the proposed car parking spaces are appropriately sized and conveniently located proximate to the proposed apartments.

7.2.5. Clarification is required regarding one aspect of the proposed development – cycle parking provision. The Design Statement accompanying the application/the applicants appeal response note that the provision of bicycle parking spaces has been increased from 30 no. to 48 no. in response to the proposed reduction in car parking spaces.

Upon review of the plans approved under Reg. Ref. D22A/0475/ABP Ref. ABP-316304-23, the applicant would appear to have made an error in this regard. Upon review of the previously granted basement plan, it appears that 56 no. bicycle parking spaces were originally approved. Although the subject proposal involves a reduction in the original bicycle parking provision, the reduction is minor (8 no. spaces) and the bicycle parking provision remains well in excess of that required by the 2023 Apartment Guidelines and Dun Laoghaire Rathdown County Council's Standards for Cycle Parking and Associated Cycling Facilities for New Developments, 2018 (which require a minimum of 22 no. and 28 no. spaces, respectively).

7.3. Amenity Impacts

- 7.3.1. Potential impacts on the amenity of surrounding residential properties require consideration in the context of the proposed amendments. In addition to the reduction in car parking provision previously discussed, the proposal involves revisions to the basement layout, comprising a reduction in the floor area. The applicant contends that in reducing the basement floor area the amount of excavation required will be significantly less, thereby minimising vibrations and associated noise. These matters were of particular concerns to neighbours. This aspect of the proposal is subterranean and so from a visual perspective will be indiscernible to residents of the surrounding residential properties. The resultant reduction in vibrations and noise associated with construction will lessen potential amenity impacts during construction which is welcomed.
- 7.3.2. The basement amendments do result in one visible alternation to the ground floor layout previously approved under Reg. Ref. D22A/0475/ABP Ref. ABP-316304-23 – the repositioning of the basement lift core/ventilation shaft further north and the associated redesign of the surrounding communal open space area. There are no resultant changes resulting across the other floor levels. The alterations resulting at ground floor level are minimal and will not have a negative impact on the residential amenity of surrounding properties.

7.4. Other Matters

- 7.4.1. *Planning Authority's Consideration of Issues Raised* – The Appellants contend that the Planning Authority has not considered the legitimate concerns raised in their individual submissions. It is asked that the Inspectors Report include discussion on the

consideration that was given by the Planning Authority in their Planners Report to the issues raised in these submissions. It is not a matter for the Board to regulate any perceived or actual deficiencies or errors made in the assessment of planning applications by the Planning Authority, including the consideration given to issues raised in submissions.

7.4.2. *Water and Drainage Infrastructure* – The appellant references the fact that no permission exists or will be granted by the the Board of Whately Place GLC for access to existing water and drainage infrastructure services on Whately Place. The applicant notes that the proposed development will utilise existing foul sewer connections and connect to the adjacent local surface water and wastewater sewer networks, which are public in nature. Issues regarding permission to access services that may be privately owned are civil matters to be addressed between the relevant parties. The applicant shall not be entitled solely by reason of a permission under this section to carry out any development, as outlined in Section 34(13) of the Planning and Development Act, 2000 (as amended).

7.4.3. *Legal Matters* – The appellant has indicated that issues relating to the right of way/landownership were not adequately considered, being deemed civil matters when the parent application was originally considered by the Planning Authority/Board. In response to this item, the applicant asks that the Board continue to regard these as civil matters between the current and previous landowners of the site. Section 5.13 of the Development Management Guidelines for Planning Authorities (2007) advises that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. Therefore, I also conclude that the issues relating to the right of way/landownership noted by the appellant did not prevent the Planning Authority and do not prevent the Board from proceeding to assess/determine the application in the normal manner.

7.5. Appropriate Assessment

7.5.1. Having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any European site, it is concluded that no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Following the assessments above, I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the site's central and/or accessible urban location/proximity to public transport, its proximity to a range of services and amenities and the extent of bicycle parking space provision proposed on site, it is considered that subject to compliance with conditions below, the proposed development would be acceptable in terms of parking provision, would not seriously injure the amenities of the area or properties in the vicinity and would comply with the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028, the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023) and the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms</p>

	<p>and conditions of the permission granted under ABP Ref. ABP-316304-23 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous 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.

Margaret Commane
Planning Inspector

17th December 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála			
Case Reference	ABP-320724-24		
Proposed Development Summary	Modifications to previously approved Reg. Ref. D22A/0475/ABP Ref. ABP-316304-23 for revisions to the basement layout and a reduction in the no. of car parking spaces provided.		
Development Address	St. Anne's Convent, Kilmacud Road Upper, Kilmacud, Stillorgan, Co. Dublin, A94 P5W6		
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	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Class 10(b)(i)(iv) - Infrastructure Projects	Proceed to Q3.
No			No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	Class 10(b)(i)(iv) - Infrastructure Projects. Thresholds: > 500 homes	Preliminary examination required (Form 2)

		> 10 hectares	
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5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-320724-24	
Proposed Development Summary	Modifications to previously approved Reg. Ref. D22A/0475/ABP Ref. ABP-316304-23 for revisions to the basement layout and a reduction in the no. of car parking spaces provided.	
Development Address	St. Anne's Convent, Kilmacud Road Upper, Kilmacud, Stillorgan, Co. Dublin, A94 P5W6	
<p>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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development.</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The development comprises modifications to a previously approved basement so is not exceptional in the context of the existing environment.</p> <p>N/A</p>	No

<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The modified basement is 1200m² which is which is not exceptional in the context of the existing environment.</p> <p>I am not aware of any other plans or projects in the area which would lead to significant cumulative impacts when considered in tandem with the proposed development.</p>	<p>No</p>
<p>Location of the Development</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, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>No.</p> <p>There are no waterbodies, ecological sensitive sites or Protected Structure in the immediate vicinity of the site.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)