



An
Coimisiún
Pleanála

Inspector's Report

ABP-321001-24

Development

Retention permission for an additional 7 apartments to that permitted under Reg. Ref. SD18A/0285 and Reg. Ref. SD16A/0269 and associated internal alterations and permission for elevation treatments to include balconies/terraces; revisions to the permitted layout to provide for 49 car parking spaces, bin stores, 112 bicycle spaces, landscaping including communal open space, an ESB substation, boundary treatments and all associated site and engineering works necessary to facilitate the development.

Location

Larkfield House, former Liffey Valley Fitness, Coldcut Road, Clondalkin, Dublin 22.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD24A/0184W

Applicant

Cavvies Limited

Type of Application

Permission & Retention

Planning Authority Decision

Split Decision

Type of Appeal

First Party

Appellant

Cavvies Limited

Observer(s)

None

Date of Site Inspection

14th January 2025

Inspector

Matthew O'Connor

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1.0 Site Location and Description

- 1.1. The appeal site is 0.44ha and comprises an existing part-four, part-five storey detached building known as 'Larkfield House', a former fitness centre which has been converted to residential use. The site is situated on the southern side of Coldcut Road (R-833) between its junction with Fonthill Road (R-113) and its flyover with the M50 motorway. in Clondalkin, Dublin 22. The existing building on the appeal site is a rectangular shaped, rudimentary structure with a part barrelled metal roof and glazed front façade with sections of brick and render finishes to the side and rear. The curtilage of the building comprises tarmacadam hard-surfacing. The main site entrance is via an electric gate from the Coldcut Road. There is a separate entrance, also to Coldcut Road but is closed off with a metal barrier. The site boundaries comprise palisade fencing to the west (side) and south (rear); a concrete block wall to the east (side); and a low-level wall topped with metal fencing to the northern (roadside) boundary.
- 1.2. The immediate locality comprises a range of differing land uses with Liffey Valley Retail Park and Liffey Valley Shopping Centre are located on the opposite side of Coldcut Road to the north of the appeal site. The lands to the west are unused grassed lands with goal posts and the lands to the immediate south and east are occupied by the Dublin City Services Sports & Social Club which comprises a pitch and putt course, astro pitches sports pitches and a clubhouse building. The wider surrounding area on this western part of the M50 is primarily residential in character with extensive housing in Ronanstown and Rowlagh to the west and Quarryvale to the northwest in addition to a mix of light industrial/retail uses at Fonthill Industrial Park and Fonthill Retail Park further to the west.

2.0 Proposed Development

- 2.1. The subject development comprises the following:

Retention permission for -

- 7 no. additional apartment units to that permitted under Reg. Ref. SD18A/0285 and Reg. Ref. SD16A/0269 (i.e. 44 no. units instead of the 37 no. permitted).

- associated internal alterations to accommodate units within existing building.

Permission for -

- Elevational treatments to include balconies/terraces.
- Revisions to permitted layout to provide 49 no. car parking spaces accessed from Coldcut Road
- Provision of bin stores, 112 no. bicycle spaces and 1 no. ESB substation.
- Landscaping including communal open space and boundary treatments
- All associated site and engineering works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. South Dublin County Council issued a SPLIT decision.

3.1.2. Planning permission was granted, subject to 11 no. conditions, for the following:

- Provision for 49 no. car parking spaces and 112 no. bicycle spaces;
- Bin stores and 1 no. ESB substation; and,
- Landscaping inclusive of communal open space and boundary treatments.

3.1.3. The majority of conditions are generally standard in nature, however, the following conditions are noted:

- Condition 1: Permission is for a period of 3 years only.
- Condition 2: Amendments to scheme with bin and bicycle storage relocated so that they do not conflict with the vehicular entrance.
- Condition 3: Amendments to scheme demonstrating revisions to the site entrance/access.
- Condition 4: Preparation of a fully detailed landscape plan.
- Condition 5: Preparation of a detailed play design plan.
- Condition 6: Appointment of a Landscape Architect as a Landscape Consultant.
- Condition 7: Preparation of a Construction and Demolition Resource Waste Management Plan (RWMP).

3.1.4. Retention was refused for the following reason as set out in Schedule 2:

1. *The proposed development, including retention permission for 7 no. additional apartments and permission for elevation treatments to include balconies/terraces, has not overcome previous reasons for refusal. Therefore, by reason of its poor quality design and configuration, the proposed development would result in substandard accommodation and inadequate residential amenity for future occupants. In particular, having regard to:*

- the poor internal layout,*
- insufficient private amenity space,*
- the single aspect nature of the apartments,*
- the inadequate sunlight to living areas,*

the proposed development would materially contravene the Housing policies and objectives as set out in the South Dublin County Development Plan 2022-2028 and the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2023, and the 'Quality Housing for Sustainable Communities' (2007). As such, the proposal would be detrimental to the amenities of the surrounding area and would not be in accordance with the proper planning and sustainable development of the area. The proposed development, including retention permission for 7 no. additional apartments and permission for elevation treatments to include balconies/terraces, would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

- Planner's Report forms the basis for the decision to refuse planning permission.
- The report provides a description of the site, outlines the planning history and planning enforcement history, land use zoning designation and associated policy context from the South Dublin County Development Plan 2022-2028.
- The assessment notes the development type does not accord with the 'OS' zoning objective and is considered to relate to a non-conforming use. The provision of

additional residential units is considered to be an intensification of the existing non-conforming use.

- The Planning Authority provide a summary and status of the site which indicates that it appears that 44 no. apartments have been developed in the building but that there is permission for 37 no. apartments. The subject proposal seeks to retain 7 no. apartments. A previous application sought retention of 5 no. apartments (totalling 42 no. apartments) but this was refused. It is further noted that there is live enforcement action on the site.
- In respect of the subject development, the Planning Authority note that the additional 7 no. units for retention are Apartment No. 38 to 44 which are located on the third and fourth floor levels.
- The subject apartments to be retained provide for sufficient internal floorspace. The layout and configuration of Apartment 44 (split across two levels) is unacceptable. The Planning Authority also consider that there is insufficient private amenity space for apartments.
- The quality of the apartments to be retained is of concern to the Planning Authority and unacceptable in terms of the single aspect nature of the apartments.
- In absence of a sunlight/daylight assessment, the Planning Authority cannot confirm if the apartments to be retained retention meet the best practice standards for Sunlight and Daylight.
- Overall, the Planning Authority's assessment considered that the reasons for refusing the previous retention application have not been fully overcome in the subject proposal.
- The Planning Authority had no concerns with residential mix or units per floor level.
- In relation to private open space, the Planning Authority note that the development description seeks elevational treatments including balconies/terraces but that no further details were provided in respect of same. The submitted "as-built" drawings do not accurately reflect the existing building. The windows on the western elevation at fourth-floor level are not shown on elevation/floor plan drawings; the private amenity spaces for the apartments as shown on "as built" drawings are largely either undersized or not provided.

- The Planning Authority noted that communal open space approved under Reg. Refs. SD18A/0285 and SD16A/0249 had not been implemented and these permissions expired with the apartments having no communal open space.
- The proposed communal open space (730.04sqm) appears to include all incidental areas of open space and landscaping around the site. The usable area of communal open space to the west of the building meets the minimum quantity standards of the CDP and 2023 Apartment Guidelines (for the 37 no. apartments).
- In relation to public open space, the assessment of the Planning Authority indicated that it would refrain from implementing the Development Plan provisions requiring 2.4ha of public open space per 1000 population. It was noted that no public open space was indicated as part of the proposed development but that no residential development is to be permitted under this application. It was considered that the proposal would provide for sufficient communal open space.
- The report received from the Roads Section notes that the number of car and bicycle parking spaces proposed is 49 no. and 112 no. respectively and this is satisfactory. In relation to Tanking in Charge and Public lighting, no details have been provided and that comments made in previous revisions are applicable to this development. Additional information was requested. Cycle storage and bin storage can be addressed by way of condition.
- The report received from the Public Realm Section noted that the proposals has not sufficiently demonstrated compliance with the Green Infrastructure policies and has not demonstrated compliance with public open space requirements. The referral indicates that the above matters could be addressed by way of condition along with details of boundary treatments.
- In terms of drainage and services, no report was received from Water Services however, the Planning Authority note that standard conditions could be applied.
- The Planning Authority noted that Uisce Eireann requested Additional Information regarding a pre-connection enquiry and feasibility of connections.
- In respect of Part V, the Planning Authority note the report received from the Housing Dept. regarding a Part V condition being attached. The correspondence

received informs that the developer has not complied with the Part V condition of the parent permission (SD16A/0249).

- In relation to Environmental Health, the Planning Authority note E.H.O's response and indicates that conditions can be attached in relation to bin storage.
- No issues raised with respect to AA or EIA.

3.2.2. Other Technical Reports

Water Services:	No report received.
Parks Department:	Planner's report indicates that 'Additional Information/Conditions requested'.
Roads Department:	Additional Information requested in relation to notification of works, lighting, taking-in-charge; application of previous conditions from earlier permissions.
Housing Strategy Unit:	Comments returned, no objection subject to conditions.
Environmental Health Officer:	No objection in principle. Conditions were submitted under Reg. Ref. SD18A/0285.

3.3. **Prescribed Bodies**

Uisce Eireann:	Additional Information requested. The applicant shall submit a pre-Connection Enquiry (PCE) to assess feasibility of connection to the public water and wastewater infrastructure. The outcome of the PCE shall be submitted to the Planning Authority as a response to Further Information Request.
Transport Infrastructure Ireland:	No objection. The Planning Authority should have regard to proposals impacting national roads and proposals impacting the existing light rail network.

3.4. **Third Party Observations**

- None.

4.0 Planning History

- 4.1. The following planning history is associated with the appeal site and is relevant in the context of the subject development:

SD22A/0425: Permission GRANTED and retention REFUSED for the following: alterations to previously approved development (Reg. Refs. SD16A/0269 and SD18A/0285) comprising; Retention permission for: (i) an increase in the number of residential apartment units from 37 to 42 units now consisting of 2 one-bedroom units, 34 two-bedroom units, and 6 three-bedroom units, and; (ii) all associated site and engineering works necessary to facilitate the development; Planning permission for: (i) the amalgamation of unit nos. 22 and 23 and the amalgamation of unit nos. 34 and 33; (ii) internal alterations to provide for an increased quantum of storage space; (iii) alterations to private amenity spaces to provide for extension of ground floor private courtyards and balconies, of unit nos. 6-11, 17-20, 22-25, 27-30, 32-35, and 37-40 and the addition of private amenity spaces to unit nos. 12-16, 21, 26, 31, 36, and 41-42; (iv) the provision of fire escape stairs from the third floor to the fourth floor; (v) revisions to the permitted site layout to now provide for 50 car parking spaces (inclusive of 3 disabled parking spaces and 5 electric vehicle charging spaces); (vi) the provision of 110 residential bicycle spaces (88 residential bicycle spaces and 22 visitor bicycle spaces); (vii) relocation of bin store from eastern boundary wall to northern boundary wall; (viii) landscaping, including communal public open space comprising 1 playground (583sq.m total), and all associated boundary treatments, and; (ix) all associated site and engineering works necessary to facilitate the development. Applicant: Cavvies Limited.

SD20A/0117: Permission GRANTED and retention REFUSED for the following: retention planning permission is sought for 7 additional apartment units to that permitted under Reg. Refs SD18A/0285 and SD16A/0269 to now provide for 44 units (3 studios, 1 one bed unit, 35 two bed units and 5 three bed units) in lieu of the permitted 37 apartment units with associated internal alterations to accommodate same within the existing 4-5 storey building, known as Larkfield House. Planning permission is sought for elevation treatments to include balconies/terraces, revisions to the permitted layout (SD18A/0285 and SD16A/0269) to now provide for 49 car parking spaces to be accessed from Coldcut Road, 18 bicycle spaces, landscaping

including communal public open space, 1 playground, 1 ESB substation, boundary treatments and all associated site and engineering works necessary to facilitate the development. Applicant: Cavvies Limited.

SD18A/0285: Permission and Retention GRANTED for the following: retention of alterations to the development permitted under SD16A/0249 and permission for further alterations to the existing development to provide 37 no. residential units with terraces/balconies (25 no. 2 bed units and 12 no. 3 bed units) over 5 floors. Permission is also sought for modifications to permitted bicycle and bin stores at ground floor level and alterations to communal open space permitted under SD16A/0249. Vehicular access from Coldcut Road, car parking provision (42 no. spaces), landscaping and site services remain as permitted under SD16A/0249. Applicant: Cavvies Limited.

ABP. Ref. PL06S.248994 (SD17A/0145): Permission REFUSED by An Bord Pleanála who upheld the decision of South Dublin County Council for change of use of the existing 3 storey building from Leisure Centre to Residential to provide 27 residential units as permitted under SD16A/0249. The modifications include converting and extending as existing mezzanine plant floor to residential use, fenestration alterations (with the addition of new balconies) and a revised car parking layout. A total of 48 residential units (40 2- bed apartments, 4 1-bedroom apartments and 4 studios) are now proposed with 52 car parking spaces. All other aspects of the development remain as permitted under SD16A/0249. Applicant: Cavvies Limited.

SD16A/0249: Permission GRANTED for change of use of the existing 3 storey building from leisure centre to residential and works to the building to provide 27 residential units comprising 24 no. 2 bed units and 3 studios; modifications to elevations incorporating fenestration alterations, new finishes and the provision of the balconies/terraces; an area of landscaped communal open space (c.470sq.m) at ground floor level; 42 surface level car parking spaces; a bicycle store, bin store, new landscaping and boundary treatment and all associated site works. Vehicular access to the development will be via the 2 existing entrance/exit points onto Coldcut Road. Applicant: Cavvies Limited.

SD03A/0184: Retention permission GRANTED for alterations to approved Leisure Facility (Reg. Ref. No. S01A/0485) from 2 storey to 3 storey building to include alterations to elevations, additional floors, a 30 metre swimming pool, reception,

changing rooms, gymnasium, recreational facilities, coffee shop and ancillary works.
Applicant: Cavvies Ltd.

S01A/0485: Permission GRANTED for the erection of Leisure Facility to include 25 metre swimming pool, reception, changing rooms, gymnasium, recreational facilities, coffee shop and ancillary works. Applicant: Cavvies Ltd.

- 4.2. It is noted from review of the Planner's Report that there is both ongoing and prior Planning Enforcement history associated with the subject site in relation to non-compliance with conditions of planning permission.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The South Dublin County Development Plan 2022-2028 is the relevant Development Plan for the subject site. The following Development Plan chapters and associated policies/objectives are considered to be most relevant:

Chapter 2 - Core Strategy and Settlement Strategy

- Policy CS6: Settlement Strategy - Strategic Planning Principles

"Promote the consolidation and sustainable intensification of development within the urban settlements identified in the settlement hierarchy".

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

CS6 Objective 4: *To promote higher densities (50+ units per hectare) subject to meeting qualitative standards at appropriate locations, in urban built-up areas, especially near urban centres and / or high-capacity public transport nodes in line with prevailing Section 28 Ministerial Guidelines and where it can be demonstrated that the necessary infrastructure is in place or can be provided to facilitate the development.*

- 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 4 - Green Infrastructure

- Policy GI1: Overarching

“Protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach, protecting, enhancing and further developing the identified interconnected network of parks, open spaces, natural features, protected areas, and rivers and streams that provide a shared space for amenity and recreation, biodiversity protection, water quality, flood management and adaptation to climate change.”

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 including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.”*

- Policy GI2: Biodiversity

“Strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity across the County as part of South Dublin County Council’s commitment to the National Biodiversity Action Plan 2021-2025 and the South Dublin County Council Biodiversity Action Plan, 2020-2026, the National Planning Framework (NPF) and the Eastern and Midlands Region Spatial and Economic Strategy (RSES)”

GI2 Objective 4: *“To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.”*

- Policy GI4: Sustainable Drainage Systems

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

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

GI4 Objective 4: *Require that SuDS measures are completed to a TIC standard.*

GI4 Objective 5: *Promote SuDS features as part of the greening of urban and rural streets to restrict or delay runoff from streets entering the storm drainage network.*

GI4 Objective 6: *Maintain & enhance existing surface water drainage systems and promote and facilitate the development of SuDS, including integrated constructed wetlands, at a local, district and County level, to control surface water outfall and protect water quality.*

Chapter 5 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

“Promote the delivery of neighbourhoods that are attractive, connected, vibrant and well-functioning places to live, work, visit, socialise and invest in”.

- Policy QDP5: Connected Neighbourhoods

“Promote short distance neighbourhoods and strive towards the achievement of 10-minute settlements over the lifetime of the Plan, promoting a more compact development form, sustainable movement, and ease of access to services, community facilities, jobs and amenities”.

- Policy QDP6: Public Realm

“Public Realm Promote a multi-disciplinary and co-ordinated approach to the delivery and management of the public realm within South Dublin County”.

- Policy QDP7: High Quality Design – Development General

“Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture”.

- Policy QDP7: High Quality Design – Adaptability and Inclusivity
- Policy QDP10: Mix of Dwelling Types

“Ensure that a wide variety of housing types, sizes and tenures are provided in the County in accordance with the provisions of the South Dublin County Council Housing Strategy 2022-2028”.

- Policy QDP11: Materials, Colours and Textures

“Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency”.

Chapter 6 - Housing

- Policy H1: Housing Strategy and Interim Housing Need and Demand Assessment

“Implement South Dublin County Council Housing Strategy and Interim Housing Needs and Demand Assessment 2022-2028 (and any superseding Housing Strategy agreed by the Council) and to carry out a review of the Housing Strategy as part of the mandatory Two-Year Development Plan review”.

H1 Objective 12 *Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that:*

- there are unique site constraints that would prevent such provision; or

- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or

- the scheme is a social and / or affordable housing scheme.

- Policy H7: Residential Design and Layout:

“Promote high quality design and layout in new residential developments to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.”

H7 Objective 1: *To promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development in accordance with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020), or as may be updated and Chapter 12: Implementation and Monitoring.*

- Policy H8: Public Open Space

“Ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provide for active and passive recreation and enhances the visual character, identity and amenity of the area”.

- Policy H9: Private and Semi-Private Open Space

“Ensure that all dwellings have access to high quality private open space and semi-private open space (where appropriate) and that such space is carefully integrated into the design of new residential developments”.

- Policy H10: Internal Residential Accommodation

“Ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long-term needs of a variety of household types and sizes”.

- Policy H11: Privacy and Security

“Promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing”

H11 Objective 1: *To ensure there is a clear definition and delineation between private, semi-private (communal) and the public open spaces that serve residential development.*

H11 Objective 3: *To ensure that private open spaces, where it consists of gardens, are enclosed within perimeter blocks behind the building line and that they are subdivided by suitably robust boundary treatments of a sufficient height and composition to provide adequate privacy and security. In limited circumstances, some discretion may be provided for where the configuration of the space can provide for private and secure space, to a high quality, elsewhere on the site than behind the building line.*

- Policy H13: Residential Consolidation

“Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County”

H13 Objective 2: *To maintain and consolidate the County’s existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.*

- Policy H14: Residential Extensions

“Support the extension of existing dwellings subject to the protection of residential and visual amenities”.

H14 Objective 1: *To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines)*

Chapter 7 - Sustainable Movement

- Policy SM2: Walking and Cycling

“Re-balance movement priorities towards sustainable modes of travel by prioritising the development of walking and cycling facilities and encouraging a shift to active travel for people of all ages and abilities, in line with the County targets”.

- Policy SM7: Car Parking and EV Charging

“Implement a balanced approach to the provision of car parking with the aim of using parking as a demand management measure to promote a transition towards more sustainable forms of transportation, while meeting the needs of businesses and communities”.

SM7 Objective 1: *To implement maximum car parking standards for a range of land-use types, where provision is based on the level of public transport accessibility.*

Chapter 8 - Community Infrastructure and Open Space

- Policy COS4: Sports Facilities and Centres

“Ensure that all communities are supported by a range of sporting facilities that are fit for purpose, accessible and adaptable”.

COS4 Objective 6: *“To facilitate the provision of appropriately scaled children’s play facilities and teen space facilities at suitable locations across the County within existing and new residential development.”*

- Policy COS5: Parks and Public Open Space – Overarching

“Provide a well-connected, inclusive and integrated public open space network through a multi-functional high-quality open space hierarchy that is accessible to all who live, work and visit the County.”

COS5 Objective 4: *“To require the provision of public open space as part of a proposed development site area in accordance with the Public Open Space Standards (minimum) set out in Table 8.2.*

The Council has the discretion for the remaining open space requirement to achieve the overall standard of 2.4 ha per 1,000 population, to allow for the provision or upgrading of small parks, local parks and neighbourhood parks outside the development site area, subject to the open space or facilities meeting the open space ‘accessibility from homes’ standards for each public open space type set out in Table 8.1.

In exceptional circumstances where the provision or upgrade of small parks, local parks and neighbourhood parks is not achievable, the Council has the discretion for the remaining open space requirement to allow provision or upgrade of Regional Parks, to achieve the overall standard of 2.4 ha per 1,000 population, subject to the Regional Park meeting the open space ‘accessibility from homes’ standard set out in Table 8.1.”

COS5 Objective 5: *“To require the provision of public open space as part of a proposed development site area in accordance with the Public Open Space Standards (minimum) set out in Table 8.2.*

The Council has the discretion to accept a financial contribution in lieu of any remaining open space requirement to achieve the overall standard of 2.4 ha per 1,000 population, such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and neighbourhood parks subject to the open space or facilities meeting the open space ‘accessibility from homes’ standards for each public open space type specified in Table 8.1.

In exceptional circumstances where the provision or upgrade of small parks, local parks and neighbourhood parks is not achievable, the Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision or upgrade of Regional Parks, subject to the Regional Park meeting the open space 'accessibility from homes' standard specified in Table 8.1. Where the Council accepts financial contributions in lieu of open space, the total contribution shall be calculated on the basis of the costs set out in the applicable Development Contribution Scheme, in addition to the development costs of the open space."

COS5 Objective 17: *To ensure that incidental areas of open space which do not function as useable open space and / or are not clearly visible from the public realm, are designed out of a proposed scheme.*

Chapter 12 – Implementation and Monitoring

The site is zoned Open Space (OS) which has an objective 'to preserve and provide for open space and recreational amenities'. Residential (Only where this accords with H3 Objective 4) use is listed as an 'Open for Consideration' development type in this zoning designation. Chapter 12 sets out the land use zoning objectives and the various standards of development. The standards are to be considered in conjunction with the associated policies and objectives of the other chapters. For example, section 12.4 relates to Green Infrastructure; section 12.5 relates to Quality Design and Healthy Placemaking; section 12.6 relates to Housing / Residential Development; section 12.7 relates to Sustainable Movement; and section 12.8 relates to Community Infrastructure and Open Space.

5.3. National and Regional Plans

5.3.1. The following regional and national planning documents are relevant:

- *Project Ireland 2040 - National Planning Framework (NPF), 2018-2040*
- *Eastern & Midland Regional Assembly: Regional Spatial & Economic Strategy (RSES) 2019 to 2031.*

5.4. National Guidance

5.4.1. The following national planning guidance are relevant:

- *National Planning Framework - First Revision (2025)*
- *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).*
- *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).*
- *Development Management: Guidelines for Planning Authorities (2007).*
- *Quality Housing for Sustainable Communities: Design Guidelines (2007).*

5.5. Natural Heritage Designations

5.5.1. The appeal site is not located on or within proximity to any designated Natura 2000 sites. The nearest designated site being the Rye Water Valley/Carton Special Area of Conservation (Site Code: 001398) which is located approximately 6.83km to the west of the site. Other designated Natura 2000 sites include the South Dublin Bay & River Tolka Estuary Special Protection Area (Site Code: 004024) which is located approximately 10.6km to the east and the South Dublin Bay Special Area of Conservation (Site Code: 000210) which is located approximately 11.87km to the east. The Liffey Valley pNHA (Code: 000128) is located approximately 1.29km to the north of the site and the Grand Canal pNHA (Code: 002104) is approximately 2.04 to the south of the site.

6.0 EIA Screening

6.1. The subject development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the subject development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The subject development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The First Party appeal has been prepared and submitted on behalf of the applicants against the Planning Authority's split decision. The grounds of appeal are summarised as follows:

- The site context is outlined, and site planning history summarised with the building being converted to 27 no. units under Reg. Ref. SD16A/0269 before increasing to 37 no. units by way of retention under Reg. Ref. SD18A/0285.
- The applicant provided 44 no. units when converting the building as the approved layout was deemed wasteful, inefficient and not suited to the space available.
- The additional 7 no. units are consistent with the Apartment Guidelines, exceed minimum standards and provide an appropriate level of amenity for occupiers.
- In terms of aspect, the building is not newly constructed to purposely accommodate residential units. The approved 37 no. units contain 80% single aspect units and was previously accepted by the Planning Authority.
- The windows for the apartments to be retained face eastwards over the pitch and putt course and the nature/greenery is an attractive vista which is good for mental health and contributes to a high standard of residential amenity.
- Morning sun in a kitchen area is to be welcomed whilst living rooms are most often occupied in evening where lighting is added during the winter.
- If 2-bed units are occupied by a couple, there is the option to use the second bedroom as a home office which will receive adequate sunlight and daylight. The main bedroom would also receive adequate sunlight and daylight.
- Examining the apartments one-by-one reveals no valid objection to granting permission for the units.
- Apartment 44 (3-bed unit) is spread over two floors significantly exceeds the minimum required floor area and provides a high standard of accommodation whilst responding to the constraints of the building. The Planning Authority was incorrect in assessing this unit when it believed that it was necessary to enter the public foyer to travel from one floor to the next. There is an internal stairs so there is no need to go into the corridor.

- The application creates an attractive area of communal open space and its delivery is held up by needing to appeal the Planning Authority's decision.
- The Commission is requested to approve the car parking, bicycle parking and landscaping as granted by the Planning Authority.
- The Planning Officer's conclusion that aspects of the proposal were unacceptable and merited refusal are deemed to be puzzling as the application is not seeking to remove balconies or private amenity space but is proposing them.
- It is not accepted that the proposal would result in the provision of a substandard level of residential amenity for occupants and it is not clear on what basis the balconies should be refused.
- There is no difficulty with providing studios as they are significantly over the minimum floor areas. The issue of dual aspect cannot be improved due to the nature of the building.
- The Commission is asked to take account of the site location in proximity to Liffey Valley Shopping Centre and it is deemed that the benefits of living within a '15-minute city' apply to the building in terms of proximity to amenities, public transport access and community facilities.
- This application is the last element in the jigsaw which will complete the development to the satisfaction of all its residents and the planning system.
- The conversion of the former recreational facility into 44 no. apartments in this suburban area presents several strong planning benefits when considering sustainable development principles, development management requirements and community needs.
- The key planning arguments in favour of the conversion include:
 - *Efficient Use of Existing Land and Resources*: by making use of existing services and infrastructure, preventing development on greenfield site, encouraging infill development.
 - *Access to Amenities and Services*: development is in close proximity to a shopping centre and key services in walking/cycling distance along with access to public transport.
 - *Housing Need & Density*: 44 no. apartments contribute to alleviating housing pressure and deliver a reasonable density in a suburban context.

- *Community Benefits and Lifestyle*: development supports the preservation of green space with the surrounding pitch and putt course remaining intact thus providing recreational amenity for residents. There is ample on-site car parking which alleviates concerns of parking congestion.
- *Sustainable Urban Design*: development encourages sustainable living which promotes a lifestyle of cycling, walking and using public transport thereby reducing carbon emissions and traffic congestion.
- *Economic Benefits*: development will boost the local economy as new residents moving to the area will increase demand for shops, restaurants and services. The conversion works will also result in job creation.
- *Compliance with National and Regional Policies*: development will align with Project Ireland: 2040 and RSES for underutilised sites and compact growth.

7.2. Planning Authority Response

7.2.1 A response from the Planning Authority has been received on file and states that the Planning Authority confirms its decision. The issues raised in the appeal have been covered in the 'Executive Order'.

7.3. Observations

None.

8.0 Assessment

Having examined the application details and all other documentation on the appeal file, including the appeal submission, inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal. The issues can be addressed under the following headings:

- Procedural Consideration
- Principle of Development
- Compliance with Standards
- Other Proposed Development Works
- Access
- Appropriate Assessment (Screening)

8.1. Procedural Consideration

8.1.1. To briefly summarise the background of recent development on this site, planning permission was granted under Reg. Ref. SD16A/0249 for the change of use of the building from Leisure Centre to Residential with a total of 27 no. apartments (24 no. 2-bed and 3 no. studios). A subsequent application submitted under Reg. Ref. SD17A/0145 was refused by the Planning Authority for 48 no. apartments (40 no. 2-bed, 4 no. 1-bed and 4 no. studios). The decision to refuse permission was upheld by An Bord Pleanála under Ref. PL06S.248994. Permission and retention was granted by the Planning Authority under Reg. Ref. 18A/0285 for 37 no. apartments (25 no. 2-bed and 12 no. 3-bed). In 2020, permission was granted for car and bicycle parking, landscaping, an ESB substation and boundary treatments but retention was refused for 7 no. additional apartment units to that permitted previously seeking a total of 44 no. apartments (3 no. studios, 1 no. 1-bed, 35 no. 2-bed and 5 no. 3-bed) in place of the permitted 37 no. apartments under Reg. Ref. SD20A/0117. In 2023, a further application was refused retention under Reg. Ref. SD22A/0425 for an increase from 37 no. to 42 no. apartments (2 no. 1-bed, 34 no. 2-bed and 6 no. 3-bed) with permission being granted for the provision of a fire escape stairs.

8.1.2. The current proposal seeks to retain 7 no. apartments within the envelope of the building to provide a total number of 44 no. apartments from the previously approved 37 no. apartments along with permission for proposed elevational changes to the building, provision of bicycle and car parking, communal open space provision and other ancillary items. In relation to Reg. Ref. SD18A/0285 which approved 37 no. units, the unit breakdown consisted of 25 no. 2-bed and 12 no. 3-bed apartments. These units were laid out as follows – 3 no. 3-bed and 6 no. 2-bed which totalled 9 no. apartments at ground floor level; 3 no. 3-bed and 6 no. 2-bed which totalled 9 no. apartments at first floor level; 3 no. 3-bed and 6 no. 2-bed which totalled 9 no. apartments at second floor level; and, 3 no. 3-bed and 7 no. 2-bed which totalled 10 no. apartments at third floor level. The development subject to this appeal consists of 44 no. apartments (5 no. studios, 36 no. 2-bed and 3 no. 3-bed) which are laid out as 1 no. studio, 9 no. 2-bed and 1 no. 3-bed totalling 11 no. apartments at ground floor level; 8 no. 2-bed and 2 no. 3-bed totalling 10 no. apartments at first floor level; 1 no. studio, 9 no. 2-bed and 1 no. 3-bed totalling 11 no. apartments at second floor level;

and, 1 no. studio, 10 no. 2-bed and 1 no. 3-bed totalling 12 no. apartments at third floor level (with the 3-bed unit part located at the fourth floor level).

- 8.1.3. The applicant has submitted particulars with this appeal that include revised drawings detailing plans, elevations and sections of the subject building along with a Schedule of Accommodation. I note that no context or supporting information has been furnished with the appeal documentation which outlines whether or not these submitted drawings seek to address the Planning Authority's reason for refusal or any specific issues raised in the assessment of the Planning Authority. I further note that these drawings do not include any revisions or adaptations to the apartments, building or site from that originally submitted with application – with the exception of demonstrating an internal stair serving Apartment 44.
- 8.1.4. However, of particular note, the drawings submitted with the appeal relate to 6 no. different apartments to be retained from those initially assessed by the Planning Authority. For clarity, the 7 no. apartments indicated for retention at application stage comprised Apartments 38 to 44 (comprising 6 no. 2-bed and 1 no. 3-bed units) which are located on the third-floor level with Apartment 44 straddling the third and fourth floor levels. The drawings submitted with this appeal relate to Apartments 1, 7, 17, 22, 28, 33, and 39 (comprising 3 no. studios and 4 no. 2-bed units) and located across the ground, first, second and third floors. As such, only one unit (Apartment No. 39) which initially sought retention at application stage is included on the revised drawings submitted with this appeal. Moreover, I consider it prudent to reiterate that the unit mix/form/layout/configuration of the building remains unchanged from the development as applied for at application stage and refused by the Planning Authority.
- 8.1.5. Having regard to the above, I do not consider it appropriate to have regard to the drawings submitted at appeal stage. In my view, it is important that I assess the development which was the subject of the Planning Authority decision in the first instance as this is the development the subject of the appeal. The appeal drawings have been submitted without context by the applicant and relate to six different apartment units within the building from those which were assessed by the Planning Authority for retention. Whilst I note that the proposal submitted with the appeal, when considered against the development description, may not differ materially from the proposal assessed by the Planning Authority; I do not consider it appropriate for the applicant to select alternative apartments for assessment by the Commission which

differ from the apartments assessed by the Planning Authority. In my view, the submission of the drawings is inappropriate and I consider it to be materially different from the proposal which was assessed by the Planning Authority.

- 8.1.6. As a further point of clarity, since the appeal was submitted the Planning Design Standards for Apartments Guidelines for Planning Authorities were published on 8th July 2025. Section 1.1 of this document states that the Guidelines only apply to planning applications submitted after the publication of the guidelines. Therefore, I note that these the new guidelines are not relevant to the current appeal.

8.2. Principle of Development

- 8.2.1. The appeal site is zoned 'OS' in the South Dublin County Development Plan 2022-2028 which has as objective *'to preserve and provide for open space and recreational amenities'*. Residential development (only where this accords with H3 Objective 4) is listed as being 'Open for Consideration' under this zoning category. H3 Objective 4 of the Development Plan seeks to support community-led housing developments for older persons and Social/Council/Affordable housing in established areas on lands designated with Zoning Objective "OS", only where the quality and quantum of remaining public open space is deemed to be adequate, and the amenities of the area are preserved.
- 8.2.2. I have no information on file to indicate that the subject development relates to a development type that is consistent with H3 Objective 4 and so I am of the view the subject development relates to conventional residential use. In this regard, the subject development does not comply with the above objective and is contrary to the 'OS' zoning designation and is a non-conforming use. Notwithstanding, I am of the view that the principle of residential use has been established on this site by the Planning Authority under Reg. Ref. SD16A/0249 when it authorised the change of use of the subject building from a fitness centre to residential use on Open Space 'OS' under the previous South Dublin County Development Plan 2016-2022. The Planning Authority has subsequently considered subsequent planning applications pertaining residential items on this site against the provisions of the previous and operative Development Plan and the Open Space 'OS' zoning objective. Therefore, I am satisfied that the principle of residential use has already been determined and is not a matter that should be reviewed or revisited in the context of this particular appeal. As such, I am of the

opinion that the Commission should only consider the acceptability of the subject works as applied for in this application.

8.3. Compliance with Standards

Floor Areas and Internal Storage

8.3.1. The 7 no. apartments to be retained all exceed the minimum requirements in terms of floor area for studios, 2-bed and 3-bed apartments as set out in the Apartment Guidelines. I acknowledge that all of the units within the subject building comply with the minimum requirements and SPPR 3 in the Apartment Guidelines in relation to minimum floor areas and in my view, would correspond to the retrofitting/refurbishment of the former Leisure Centre building.

8.3.2. The minimum requirements for internal storage for apartments are set out in Appendix 1 of the Apartment Guidelines (2023) and indicated as being 3sq.m for studios, 6sq.m for two-beds (4 person) and 9sq.m for three-beds or more. I have examined the drawings and note that each studio unit has a dedicated 'store' room of 4.14sq.m which exceeds the minimum requirements. I note that all 2-bed units are indicated as having 4 bedspaces with the dedicated 'store' rooms ranging between 5.18 and 5.64sq.m. Therefore, all of the apartments are below the minimum storage requirement of 6sq.m. With the exception of Apartment 44, the 3-bed apartments have 'store' rooms in excess of the 9sq.m minimum requirement. I note that the indicated storage for Apartment 44 is 1.10sqm which is substantially below the minimum requirement. In considering the storage for the apartment units, there is a mixed return in terms of compliance with the Apartment Guidelines (2023). Notwithstanding, the guidelines do inform that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, the storage requirement may be relaxed in part, on a case-by-case basis, subject to overall design quality. On balance, I consider that the storage shortfall in the 2-bed apartments is minimal given the floor areas exceed the minimum standards. Moreover, given the comprehensive floor area of Apartment 44 (approx. 150sq.m), I am of the view that the generous size of this unit would allay deficiencies in storage.

Private Amenity Space

- 8.3.3. The assessment of the Planning Authority referred to the statutory development description which seeks permission for 'elevation treatments to include balconies/terraces'. The Planning Authority noted however that only 'as-built' drawings were submitted and that there were no existing and proposed drawings which include proposed works to the elevations. The Planning Authority also noted that the private amenity spaces for apartment units on the 'as built' drawings are either undersized or not provided. Therefore, the Planning Authority recommended that retention be refused for the apartments and that permission be refused for the elevational treatments as the private amenity spaces do not meet the minimum requirements as set out in Table 3.21 of the Development Plan or in Appendix 1 of the Apartment Guidelines (2023). In response to the decision, the applicant states that the Planning Officer's conclusion is puzzling insofar as the application does not seek to remove balconies or private amenity space but is proposing them and has indicated that the Planning Authority's decision is not clear as to the basis for the balconies being refused.
- 8.3.4. Appendix 1 of the Apartment Guidelines (2023) sets out the Private Amenity Space standards for apartments which is 4sq.m for studios, 7sq.m for two-beds (4 person) and 9sq.m for three-beds. As noted, all of the 2-bed units are indicated as having 4 bedspaces. The Apartment Guidelines (2023) state that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality. Table 12.21 of the Development Plan set out private amenity space standards for apartments which are consistent with the Apartment Guidelines (2023). The private amenity space for the units to be retained are Apartments 39, 40, 41 and 42 and the balconies range between 2.39sq.m and 2.50sq.m. These balconies are well below the 7sq.m standard two-bed apartments. The other 3 no. apartments (2 no. 2-bed and 1 no. 3-bed) to be retained are indicated as not having any private amenity space.
- 8.3.5. In considering the Planning Authority's assessment, I acknowledge the applicant has only provided 'as built' drawings and therefore I cannot ascertain the nature or extent of the proposed elevational changes to the building or the proposed balconies/terraces as referred to in the statutory development description. From my site observations, I

note that the existing inset balconies on the eastern and western elevations correspond to the balconies on the submitted drawings. In relation to the applicant's comments regarding the Planning Authority's statement that balconies are to be removed, I note that previously approved developments on this site indicated the provision of terraces at ground floor level and balconies at upper floor level for all apartments, however, the subject development indicates 20 no. balconies and 11 no. ground floor level terraces. Therefore, 13 no. units will not be served by any private amenity space, and the applicant has failed to provide any details on proposed balconies/terraces despite referring to such elements in the development description. To this end, I consider that the Planning Authority has correctly determined that there would be a removal of balconies if the subject development is approved as a number of balconies that were to be provided by the applicant previously would now be omitted.

8.3.5. Having regard to the above, I am not satisfied that the private amenity space is of an adequate quality to meet the needs of residents in this development. Whilst I note that a relaxation of the standards is possible on a case-by-case basis, it is subject to overall design quality. I consider that the balconies that have been provided are sub-standard and well below the Apartment Guidelines (2023). Moreover, I consider that the subject development, if approved, would result in an overall reduction of balconies to serve apartments which would diminish the overall quality of those units and deviate from the previously approved development which would have provided balconies/terraces for all of the units. In addition, the applicant has failed to provide accurate drawings to demonstrate the extent of works proposed as part of this development and has not sought to address this matter in the appeal. Therefore, I am of the view that further departures from the Private Amenity space standards are not in the interests of the proper planning and sustainable development of the area and so retention for the 7 no. apartments should be refused.

8.3.6. Further to the above, I am not satisfied with the layout/configurations of the ground floor patios/terraces. The as-built patios/terraces on the western side of the building are open and delineated between units by a low-level wall and will adjoin the proposed communal open space area. I am not satisfied that these terraces/patios incorporate boundary treatment appropriate to ensure proper distinction, privacy and security as indicated in the Apartment Guidelines or in H11 Objective 1 and H11 Objective 3 of

the Development Plan. Moreover, it is not clear as to how the patios/terraces on the eastern side of the building currently correspond with the western site boundary which is an approximately 2-metre-high concrete block wall. The applicant has not provided drawings detailing the boundary treatments in this part of the site. While I consider that this issue of the patios/terraces could be addressed by way of condition which seeks appropriate demarcation and finishes of these spaces, this has not formed part of the application and is not acceptable in its current form in terms of quality.

Dual Aspect

- 8.3.7. The Planning Authority's assessment recommended that retention of the 7 no. apartments be refused due to the quality of these units being a concern in terms of their single aspect nature. The Planning Authority noted that in total, 5 no. apartments in the overall scheme of 44 no. units are dual aspect which equates to 11% of the overall scheme. Apartment 38 and Apartment 44 which are indicated for retention are dual aspect. The assessment of the Planning Authority indicated that the extent of dual aspect units had decreased from the previous application (Reg. Ref. SD22A/0425) which had refused revisions/alterations to the apartments due to concerns in relation to the single aspect nature of apartments. The Planning Authority also noted that whilst 22% of the 37 no. apartments previously approved were dual aspect, these units were deemed to be acceptable on the basis that each apartment was demonstrated as being provided access to a courtyard or balcony/terrace and that all of that units exceeded the minimum space standards.
- 8.3.8. The applicant has countered by stating that the building is not newly constructed to purposely accommodate residential units and that the existing approved 37 no. units contain some 80% single aspect units which was accepted by the Planning Authority. In addition, the appeal informs that the windows for the apartments to be retained are east-facing and overlook the neighbouring pitch and putt course with the nature/greenery providing an attractive vista which is good for mental health and contributes to a high standard of residential amenity.
- 8.3.9. In considering aspect, the Apartment Guidelines (2023) state that it is a policy requirement that apartment schemes deliver at least 33% of units as dual aspect in more central and accessible and some intermediate locations, i.e. on sites near to city or town centres and that a minimum of 50% dual aspect apartments be provided in

larger apartment developments on greenfield or standalone brownfield regeneration sites. It is further indicated that ideally, any 3 bedroom apartments should be dual aspect. SPPR 4 of the Apartment Guidelines (2023) states that 'for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects'. The Development Plan is consistent with the Apartment Guidelines (2023) and notes that where single aspect apartments are provided, the number of south facing units should be maximised, with west or east facing single aspect units also being acceptable.

8.3.10. I acknowledge the subject building relates to a former leisure centre building which has been repurposed for residential use and that a relaxation of standards for building refurbishment schemes is possible on a case-by-case basis subject to overall design quality. I further acknowledge that the Planning Authority has already accepted departures from standards in terms of the proportion of single-aspect units in its previous decisions on this site. However, as noted, the applicant has failed to provide appropriate private amenity space for all the apartments which was previously permitted and this current proposal represents further departures from the Apartment Guidelines (2023). In my view, I do not consider that such shortfalls are in the interests of the proper planning and sustainable development of the area and to this end, it is my opinion that the number of single aspect units is excessive, irrespective of their east-facing outlook, and would be contrary to the achievement of a high-quality living accommodation. Therefore, I recommend that retention permission for the 7 no. apartments be refused in this regard.

8.3.11. Further to the above, I note the Planning Authority recommended that retention of the apartments be refused as the applicant did not provide a Sunlight/Daylight Assessment in respect of the building. The applicant claims that morning sun in a kitchen area is to be welcomed and that living rooms are most often occupied in evening with lighting added during the winter. It is further claimed in the appeal that if a second bedroom is utilised as a home office in a 2-bed or more apartment, it would receive adequate sunlight and daylight. Having reviewed the appeal file and the associated particulars, I acknowledge that no sunlight/daylight report has provided

with the application and therefore, I cannot make an informed determination as to whether or not the apartments to be retained meet the best practice standards in relation to sunlight and daylight.

Floor to Ceiling Height

- 8.3.12. SPPR 5 of the Apartment Guidelines (2023) requires that the ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres and that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality. I have examined the submitted drawings and note that the indicated floor to ceiling height is 2.465m at ground floor level, 2.556m at first floor level, 3m at second floor level and 2.7m at third floor level. In acknowledging that the subject building has been repurposed, I am of the view that the discretion, as set out in SPPR 5, can be exercised in this particular instance as the floor to ceiling height is met and exceed across two floors of the building and has been assessed under previous applications and will remain unchanged under the subject proposal. As such, I do not consider that the shortfall in floor to ceiling height would detrimentally impact on the design quality of the applicable units.

Apartments per Floor

- 8.3.13. SPPR 6 of the Apartment Guidelines (2023) states that a maximum of 12 apartments per floor per core may be provided in apartment schemes and that this maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations. In considering the subject development, I note that the subject development contains less than 12 apartments per floor which would comply with SPPR 6.
- 8.3.14. In addition, I note that the assessment of the Planning Authority had regard to Apartment 44 which is set across the third floor and the fourth floor. The Planning Authority had particular concern with the layout/configuration of this unit given that the kitchen/dining/living area is on the third floor and the bedrooms located on the fourth floor. The Planning Authority noted that the access between the floors is via external corridor and stairs which would not be acceptable. The appeal states that the Planning Authority was incorrect in assessing Apartment 44 with regard to the access to the

public foyer between floors and claims that there is an internal stairs within the unit. From review of the submitted drawings with the application, I note that there is no internal stairs between the third floor level and fourth floor level serving Apartment 44 and that there are doors from this unit to the corridor at both third and fourth floor level. Furthermore, I note that the applicant has not provided evidence, such as a photographic survey, with this appeal to confirm that there is an internal stairs serving this unit. As such, based on the drawings submitted with the application and in the absence of corroborating evidence, I consider that the layout/design of Apartment 44 is inappropriate and would not provide for quality standard of living for occupants.

Unit Mix & Density

- 8.3.15. SPPR 1 of the Apartment Guidelines (2023) states that developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. SPPR 2 of the Apartment Guidelines (2023) states that for all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha: where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential unit to the 49th and that all standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development. The Development Plan states that proposals for residential development shall provide a minimum of 30% 3-bedroom units with a lesser provision may be acceptable in certain locational circumstances. The assessment of the Planning Authority noted the overall development of 44 no. apartments having the following mix - 3 no. studios (7%), 36 no. 2-bed (82%) and 5 no. 3-bed (11%) apartments. The Planning Authority indicated that the number of conventional housing estates in the vicinity suggests that 3-bed houses likely dominate the local housing typology and claim to have an understanding that there is a specific demand for 2-bed apartments in the area. Overall, the unit mix did not present concerns for the Planning Authority in the assessment of the scheme.
- 8.3.16. Having reviewed the submitted particulars, I note that the applicant has not provided a rationale for the mix of units. According to the appeal, the 44 no. units were provided

at the time when the applicant was converting the subject building as the approved layout was deemed to be wasteful, inefficient and not suited to the space available. As such, the as-built provision of apartments has been made on the basis of efficiency rather than housing needs. I note that the 37 no. apartments approved under Reg. Ref. 18A/0285 included 25 no. 2-bed and 12 no. 3-bed apartments which represents a unit mix of 68% to 32% respectively.

8.3.17. In considering surrounding area of the site, I would accept that the prevailing housing type consists of conventional two-storey houses and whilst the subject building has been repurposed for residential use, there is a lack of apartment developments in the immediate locality. Therefore, I concur with the rationale presented by the Planning Authority and their conclusion that the unit mix is acceptable. I also consider that mixes of apartments provide alternative accommodation types in an area which is predominantly dominated by conventional housing. In this regard, I do not consider that the development would contravene the Development Plan in relation to unit mix as set out in section 12.6.1 and I consider subject development would align with SPPR 1 and SPPR 2 of the Apartment Guidelines (2023) in relation to Housing Mix.

8.3.18. With respect to Density, I note the Planning Authority indicated that the subject development would result in a density of approximately 100 dwellings per hectare and raised no particular concern in terms of the residential density. The Compact Settlement Guidelines describe typical density ranges for low-rise apartments as between 100-150dph. Moreover, according to Table 3.1 – ‘Areas and Density Ranges Dublin and Cork City and Suburbs’ of the Guidelines, it is a policy and objective that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin; and, that densities of up to 150 dph (net) shall be open for consideration at ‘accessible’ suburban / urban extension locations. Given the nature of the approved development on the site whereby the former Leisure Centre was converted to residential use, I am satisfied that the residential density would be appropriate and in line with national policy provision.

Summary

8.3.19. In conclusion, I consider that the retention of the 7 no. additional apartment units to this previously converted building would, by reason of its poor configuration, design and layout have significant negative impacts on the residential amenity and quality of

living of the occupants in the development. It is my view that the subject development would result in a substandard form of accommodation particularly in respect of the insufficient private amenity space, extent of single aspect apartments and arrangement of units which would not be in accordance with the policies and objectives of the South Dublin County Development Plan 2022-2028 insofar as they relate to residential accommodation or the standards as pertained out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023). To this end, I am not satisfied that the further departures from these standards are not in the interests of the proper planning and sustainable development of the area. I recommend that retention permission for the 7 no. additional apartments and permission for the proposed elevation treatments be refused.

8.4. Other Proposed Development Works

8.4.1. As noted, the subject development received a 'split' decision from the Planning Authority with the refusal reason relating to the retention of the 7 no. additional apartment units and proposed elevational treatment of balconies/terraces to the existing building. The other proposed elements of the subject development which were approved by the Planning Authority – subject to 11 no. conditions, comprise the following:

- revisions to previously permitted layout to provide for 49 no. car parking spaces; accessible from Coldcut Road;
- Bin Stores;
- 112 no. bicycle spaces;
- Landscaping including communal open space;
- 1 no. ESB substation; and,
- Boundary treatments.

8.4.2. In noting the above, I am satisfied that the Planning Authority was generally satisfied with these proposed elements of the development, and the applicant has requested that the car parking, bicycle parking and landscaping, as granted by the Planning Authority, be approved by the Commission. In addition, the applicant further states that the delivery of the communal open space is being held up by the need to appeal the decision of the Planning Authority in its entirety. Therefore, it is my view that the elements of the scheme which were refused constitute the primary elements of the

appeal. Notwithstanding, I am cognisant that once a planning decision is appealed, apart from condition(s) or contribution(s) attached to a planning permission, the Commission is obliged to assess the entire development.

Communal Open Space

- 8.4.3. The submitted documentation indicates that a communal open space area of 730.04sq.m is proposed. This space is primarily in the form of a triangular segment of landscaped space to the west of the subject building. The calculation for this area is not clear and from review of the colouring/hatching on the submitted Site Layout Plan includes incidental strips to the rear of the building and landscaped areas surrounding the parking bays. The minimum required areas for public communal amenity space are set out in Appendix 1 of the Apartment Guidelines (2023) and listed as 4sq.m for a studio; 7sq.m for a 2-bed (4 person); and 9sq.m for a 3-bed. I note that Table 12.21 of Section 12.6.7 of the Development Plan sets out the minimum Communal Open Space requirements for apartment developments and is consistent with the Apartment Guidelines (2023). Based on the minimum required areas in Appendix 1 of Apartment Guidelines (2023), the overall 44 unit development would require communal amenity space totalling 309sq.m to serve the overall development. I further note in respect of the abovementioned standards that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha that communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.
- 8.4.4. The Planning Authority's assessment stated the proposed communal open space would meet the minimum quantity standards of the Development Plan and Apartment Guidelines (2023). The Planning Authority also noted that the communal open space permitted under previous permissions, Reg. Refs. SD18A/0285 and SD16A/0249 respectively has not been implemented on the site and notes that these permissions have now expired with the existing apartments having no communal open space. In addition, the Planning Authority referred to the Public Realm Section having concerns with quality of this proposed communal space in terms of Green Space Factor (GSF) regarding green infrastructure, SUDS, details in relation to soft/hard landscaping and play provision.

8.4.5. I am of the view that submitted drawings are basic and that details in relation to compliance with green infrastructure, landscaping details and play facilities should have been provided to enable a robust assessment of the quality of this space as part of the development. That said, given the extent of communal space indicated on the submitted drawings, it is my opinion that such items could be addressed by way of suitably worded condition(s) as similarly set out in Condition Nos. 4, 5 and 6 of the Planning Authority's schedule of conditions should the Commission be minded to grant permission for this element of the proposed development.

Public Open Space

8.4.6. No public open space has been provided as part of the subject development. The comments returned by the Public Realm Section deemed that the proposal did not sufficiently demonstrate compliance with Public Open Space requirements set out in the Development Plan. The Planning Authority's assessment indicated that public open space provision is not applicable given the residential element of the development is being refused. In addition, the assessment of the Planning Authority also stated that in the absence of a supporting Development Contribution Scheme and having regard to Section 8.7.4: 'Delivery of Public Open Space and Contributions in Lieu' and COS5 Objective 5-7 inclusively, it would refrain from implementing Development Plan provisions which require 2.4ha of public open space per 1000 population and that it would implement its policy provisions in relation to minimum on-site public open space provision ranging from 10-20% depending on land use zoning. That said, the Planning Authority did not expand on the public open space provision and concluded that the proposal would provide for sufficient communal open space.

8.4.7. In considering the subject development, I acknowledge that no public open space is proposed but as previously outlined, some 730.04sq.m of communal open space is proposed in the form of a triangular open green area to the west of the building. Policy H8: Public Open Space of the Development Plan seeks to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provide for active and passive recreation and enhances the visual character, identity and amenity of the area. Table 8.2: 'Public Open Space Standards' sets out an 'Overall Standard' of 2.4 hectares per 1000 population being required and within the overall standard, 'New Residential Development on Lands in Other Zones including mixed use' shall provide a minimum 10% of site area. I note that the

occupancy rate used is 3.5 persons for dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. Based on the occupancy rates outlined above, I calculate that the population of the development would be 76 persons (5 units x 3.5 persons + 39 units x 1.5 persons). I equate the overall public open space requirement to be 0.182ha (1,824sq.m). As noted, within the 'overall standard' there is also requirement for a minimum 'on-site' provision which is 10% of the site area (0.44ha/4,440sq.m). This equates to 0.0444 ha/ 444sq.m of the total site area.

8.4.8. In noting the above, I consider Section 8.7.4: Delivery of Public Open Space and Contributions in Lieu of the Development Plan to be relevant which indicates that where the overall standard is not achieved, the Council has the discretion to provide for the provision/upgrade of small and local parks outside of the development site area (COS5 Objective 4); or, that the shortfall of open space can be addressed through a financial contribution in lieu of any remaining open space requirement to achieve the overall standard of 2.4 ha per 1,000 population (COS5 Objective 5). Furthermore, I also note that Policy & Objective 5.1 of the Compact Settlement Guidelines states that the 'requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. Different minimum requirements (within the 10-15% range) may be set for different areas. The minimum requirement should be justified taking into account existing public open space provision in the area and broader nature conservation and environmental considerations'. It is also stated in the Compact Settlement Guidelines that in some instances the Planning Authority may decide to set aside the public open space requirements where it is unfeasible due to site constraints or other factors to locate all of the open space on site. In this instance a financial contribution in lieu of the open space provision may be appropriate.

8.4.9. Therefore, the applicant has not provided from any public open space as part of the proposed development, and I am of the view the development fails to achieve the minimum 10% requirement of the Development Plan nor has the applicant demonstrated how the overall standard of open space would be achieved on site. However, in having regard to national guidance as set out in the Compact Settlement Guidelines and noting the provisions of Section 8.7.4: 'Delivery of Public Open Space

and Contributions in Lieu' of the Development Plan, I acknowledge that a financial contribution in lieu of public open space may be acceptable. As such, should the Commission be minded to grant permission for the proposed aspects of this development, I am of the view that a suitably worded condition be attached which requires a financial contributions in lieu of public open space on the site. I consider the rate of contribution could be calculated in accordance with the South Dublin County Council Development Contribution Scheme 2021-2025.

Bin Storage

- 8.4.10. The proposed development includes bin storage along the eastern boundary in the northeastern extent of the appeal site. The assessment of the Planning Authority raised concern with the siting of the bin store in terms of potential conflict with the indicated car/service entrance. The Planning Authority also considered that the relocation of the bin store would improve both the access and safety to the bins by the residents. I note that this matter has been addressed by way of condition (Condition No. 2) which requires that the bins be moved closer to the building entrance. In consideration of the proposal, I am of the view that bin storage can be appropriately accommodated on the site and should be relocated to a position adjacent to the building in the interests of safety and convenience. Should the Commission be minded to grant permission to this element of the proposal, I am of the view that a suitably worded condition, similar to Condition No. 2 of the Planning Authority's decision could be attached.

Car Parking

- 8.4.11. The subject development proposes 49 no. car parking spaces in a dedicated area to the front of the subject building. From my observations, I note that the existing area surrounding the building is entirely hard-surfaced and that car parking is set out around the northern and western boundaries and in the open area to the front of the building. I also observed a car parked on the grassed verge immediately outside the site at the time of my site visit. The assessment of the Planning Authority noted the site to be within 200 metres of High Frequency bus routes and deemed the site to be within Zone 2 as prescribed in Section 12.7.4 of the Development Plan for car parking. The report from the Roads Department has erroneously stated that the development consists of 3 no. 1-bed, 45 no. 2-bed apartments and 6 no. 3-bed apartments and its calculation

of the maximum number of car parking spaces refers to 46 no. units (3 x 1-bed, 36 x 2-bed and 6 x 3-bed totalling an allowable maximum number of car parking spaces allowed as 57 no. spaces. I also note that the Planning Authority applied a rate of calculation which corresponds with the rates for apartments/duplexes in 'Zone 1' and/or houses in 'Zone 2' which is set at 1 space for 1-bed, 1.25 spaces for 2-bed and 1.5 spaces for 3-bed units in Table 12.26 of the Development Plan.

8.4.12. Irrespective of the calculations of the Planning Authority, I calculate the maximum parking standards for this scheme as being between 55.5 spaces in the context of 'Zone 1' for apartments and 44.5 spaces in the context of 'Zone 2' for apartments. Whilst the proposed 49 no. car parking spaces exceeds the maximum allowable spaces for an apartment scheme in Zone 2 of the Development Plan and the guidance in the Apartment Guidelines (2023) and Compact Settlement Guidelines which seek to minimise/substantially reduce car parking provision; I am of the view that some flexibility can be applied to this development having regard to existing on-site car parking, the specific site location, proximity to public transport and associated connectivity to employment centres. I consider that the proposal for 49 no. spaces would be acceptable and would enable at least 1 no. car parking space per unit and provide for 5 no. visitor parking spaces.

8.4.13. In relation to Electric Vehicle (EV) charging, section 12.7.5 of the Development Plan states that EV charging shall be provided to a minimum of 20% of the parking spaces. It is further stated that the remainder of the parking spaces shall be constructed to be capable of accommodating future charging points. From my site inspection and observation of the appeal file, Electric Vehicle (EV) parking spaces have not been demonstrated. Having regard to the non-provision of Electric Vehicle (EV) charging spaces and ducting, I consider that the development is not in accordance with the requirements of the Development Plan. I note that the report of the Roads Department did not reference Electric Vehicle (EV) parking spaces and therefore, I am of the view that should the Commission be minded to grant permission for this element of the proposed development, a suitably worded condition be included which stipulates that 20% of the spaces must have EV charging and that all spaces are ducted.

Bicycle Parking & Storage

- 8.4.14. The subject development indicates the provision of bicycle parking totalling 112 no. spaces at two locations on the appeal site – 48 no. spaces adjacent to the northwestern corner of the building and 64 no. spaces along the eastern site boundary to the front of the building. The bicycle parking requirements for residential units are set out in Table 12.23 of the Development Plan and indicated as 1 per bedroom (Long Term) and 1 per two apartments (Short Stay). I note that the assessment of the Planning Authority deemed the extent of bicycle parking to be satisfactory but was dissatisfied with the location of the bicycle storage area on the eastern boundary. I note that this matter has been addressed by way of condition (Condition No. 2) which requires that the bicycle storage be relocated for ease of access and pedestrian safety.
- 8.4.15. In considering this aspect of the subject development, I estimate that the total amount of bedrooms equates to 112 and therefore, I am satisfied that the scheme meets the minimum quantum of cycle spaces required in the Development Plan. I am of the opinion that safe and secure bicycle parking/storage could be reasonably accommodated on the subject site and that it should be relocated to a position adjacent to the building in the interests of safety and convenience to residents and visitors. As such, should the Commission be minded to grant permission for this element of the proposed development, I am of the view that a suitably worded condition, similar to Condition No. 2 of the Planning Authority's decision could be attached.

Boundary treatments

- 8.4.16. According to the assessment of the Planning Authority, permission is sought for boundary treatments but no details of any changes to boundary treatments were submitted with the application. The Planning Authority concluded that the details of boundary treatments could be agreed by way of condition. As previously noted, I observed the site boundaries comprise palisade fencing to the west (side) and south (rear); a concrete block wall to the east (side); and, a low-level wall topped with metal fencing to the northern (roadside) boundary. The lack of supporting detail in relation boundary treatment, in my view, highlights the shortfall of information provided with the application. The appeal has not sought to clarify the proposed boundary treatments for consideration by the Commission. I am of the opinion that such treatments are necessary to enable the subject development to successfully integrate into the

surrounding area and provide an attractive setting and amenity along this section of Coldcut Road. Notwithstanding, I am of the view that this matter can be addressed by way of condition should the Commission be minded to grant planning permission for this element of the proposal.

Part V

8.4.17. In terms of compliance with the requirements of Part V of the Planning and Development Act 2000, as amended, the appeal file contains a South Dublin County Council Housing Department Memo dating from 2016 referring to an agreement in principle that units would be reserved for social housing along with a schedule of the units and drawings of same. The report received from the Housing Department indicated that a Part V condition should be attached in the event of the application being granted. However, it was also noted in the report that developer has not complied with the Part V Condition of the parent permission Reg. Ref. SD16A/0249. The Planning Authority indicated that a Part V condition was not applicable as the additional residential units are to be refused. I have already outlined the substantive reasons for refusal in relation to the residential aspect of this scheme, however, should the Commission be minded to grant permission, I consider that Part V requirements could be addressed by way of a suitably worded condition.

Summary

8.4.18. Having conducted a site inspection and reviewed the appeal file, I note that the site layouts permitted under Reg. Ref. SD18A/0285 and Reg. Ref. SD16A/0249 which included the provision of various boundary treatments, landscaping and communal open space, have not been implemented. On this particular matter, I note that such issues of apparent unauthorised development are a matter for the Planning Authority and is outside of the remit of the Commission for consideration in this appeal.

8.4.19. In considering the proposed elements of this development, I note that there are shortcomings in relation to a number of items such as landscaping/boundary treatments, open space, car parking, bicycle parking and bin storage and Part V compliance. I note that these items were conditioned by the Planning Authority in their recommendation to grant part of the subject development and I am satisfied that each of the abovementioned elements raise no fundamental issues which would merit refusal in their own instance. That said, having outlined the substantive reason for

refusal in relation to the apartments to be retained and proposed elevational treatments, I am of the view that the shortcomings of the proposed development would, when considered cumulatively, would be contrary to the proper planning and sustainable development of the area. Therefore, I recommend that the subject development be refused in its entirety.

8.5. Access

8.5.1. The appeal site is currently served by an existing access comprising an electrified sliding gate from Coldcut Road and there is a second entrance serving the site from Coldcut Road in the northeastern corner of the site which was closed off with a metal bar at the time of my inspection. The submitted Site Layout Plan indicates the use of both entrances for car access (annotated on the drawings as 'Car Entrance Sliding Gate' and 'Car/Service Entrance' respectively). The report from the Roads Section does not refer to the access provision, however in its request for Additional Information, Item No. 6 sought that 'all previous conditions applied to SD16A/0249 and SD18A/0285 to apply'. I note that a number of roads/access measures formed part of the previous permissions such as access from the easternmost entrance and egress from the westernmost entrance, however, these elements have not been implemented presently on the site.

8.5.2. Condition No. 3 of the Split Decision from the Planning Authority requires the introduction of a number of measures including entrance/egress points to be narrowed, the extension of the median to prevent vehicles right turning from the eastbound side of the Coldcut Junction into the egress; and, alterations to the existing service box in the middle of the road adjacent to the median.

8.5.3. I am satisfied that the development will have negligible impact upon the capacity and safety of the road network. Should the Commission consider granting planning permission for this element of the proposed development, I consider that the matters concerning roads/access can be addressed by way of a condition similar to that as recommended by the Planning Authority. However, having regard to the substantive reason for refusal set out above, I recommend that the development be refused.

9.0 Appropriate Assessment (Screening)

9.1. Having regard to the scale and nature of the works to be retained and carried out, and, the existing services network serving the established urban area, it is concluded that

no Appropriate Assessment issues arise as the subject development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Water Framework Directive

10.1 There are no water courses in the immediate vicinity of the appeal site which is situated within an established urban area. The proposed development comprises the retention of 7 no. additional apartments within an existing building and permission for elevation treatments, revisions to the car parking layout, bin stores, bicycle spaces, landscaping, an ESB substation, and boundary treatments. The subject development will utilise connections to the services network in respect of foul and storm drainage. I have assessed the subject development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

10.2 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature and scale of the subject development works; and,
- The location of the site in a serviced urban area and the distance from nearest water bodies and lack of direct hydrological connections.

10.3 I conclude that on the basis of objective information, that the subject development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that retention and permission be REFUSED for the reason and consideration outlined below.

12.0 Reasons and Considerations

1. It is considered that the subject development for retention and permission would, by reason of its poor-quality design and configuration, result in a substandard form of development with inadequate residential amenity for occupants which would be contrary to the achievement of high-quality living accommodation. In particular, having regard to the poor internal layout, the extent of single aspect units and the inadequate provision of private amenity areas, the Commission is not satisfied that the 7 no. apartments to be retained would be in accordance with the policies and objectives of the South Dublin County Development Plan 2022-2028 insofar as it relates to residential accommodation and the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).

In addition, a number of elements of the proposed development such as elevational treatments, open space, landscaping, boundary treatments, segregation of private open space, SUDS/Green Infrastructure, car parking, bin/bike storage, roads and Part V compliance require resolution and given the cumulative shortcomings of the proposal, as submitted, and the subsequent failure of the applicant to address these issues as part of the appeal, the Commission considers that subject development would be contrary to the proper planning and sustainable development of the area.

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

Matthew O'Connor
Planning Inspector

30th October 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-321001-24
Proposed Development Summary	Retention permission for an additional 7 apartments to that permitted under Reg. Ref. SD18A/0285 and Reg. Ref. SD16A/0269 and associated internal alterations and permission for elevation treatments to include balconies/terraces; revisions to the permitted layout to provide for 49 car parking spaces, bin stores, 112 bicycle spaces, landscaping including communal open space, an ESB substation, boundary treatments and all associated site and engineering works necessary to facilitate the development.
Development Address	Larkfield House, former Liffey Valley Fitness, Coldcut Road, Clondalkin, Dublin 22.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	Class 10 (b)(i) Construction of more than 500 dwelling units.
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed	

road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 (b)(i) Construction of more than 500 dwelling units - The subject development is subthreshold as it relates to the retention of 7 no. apartments in a residential block containing 44 no. apartment units.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	ABP-321001-24
Proposed Development Summary	Retention permission for an additional 7 apartments to that permitted under Reg. Ref. SD18A/0285 and Reg. Ref. SD16A/0269 and associated internal alterations and permission for elevation treatments to include balconies/terraces; revisions to the permitted layout to provide for 49 car parking spaces, bin stores, 112 bicycle spaces, landscaping including communal open space, an ESB substation, boundary treatments and all associated site and engineering works necessary to facilitate the development.
Development Address	Larkfield House, former Liffey Valley Fitness, Coldcut Road, Clondalkin, Dublin 22.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposal relates to a converted leisure centre in residential use in Dublin 22. The subject development seeks to retain 7 no. apartments within the envelope of the exiting building along with various elevational changes and proposed provision of communal open space, car parking and other associated works.</p> <p>The size of the development would not be described as exceptional in the context of the existing built environment which contains a mix of residential, retail and light industrial/warehouse uses.</p> <p>The proposal will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity	<p>The proposed development is situated off Coldcut Road in Dublin 22.</p> <p>There are no significant environmental sensitivities in the vicinity – potential impacts on the SACs is addressed under Appropriate Assessment (Screening).</p>

of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature and scale of the subject development (i.e. retention of 7 no. apartments, proposed elevational changes and ancillary works on an existing site in an urban area), there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)