



An
Coimisiún
Pleanála

Inspector's Report ABP-321199-24

Development

The demolition of existing single-storey and 2-storey buildings, and the construction of a mixed-use development and all site works.

Location

A site of 0.0746 hectares at Nos. 12 - 17 Glasthule Road, Glasthule, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D24A/0651/WEB

Applicant(s)

GLSRD1217 Limited.

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Adrian Rahman & Others.

Observer(s)

Fergal MacCabe

Date of Site Inspection

18th September 2025

Inspector

Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is located in the centre of Glasthule, Co. Dublin, and the site currently operates as a car showrooms.
- 1.2. The appeal site is a corner site with the front of the site (north) facing onto Glasthule Road, and adjoining Adelaide Road at the junction, and the rear of the site faces onto Devitt Lane. The size of the appeal site is 0.075 ha.
- 1.3. The existing building on the appeal site is predominantly single storey in height with a partial two-storey element.
- 1.4. The subject site has two vehicular access off Devitt Lane, with one access serving a car servicing area and the second providing access to an on-site car park.
- 1.5. Devitt Lane, to the rear of the appeal site, provides access from Adelaide Road to the Cowshed public car park and Devitt Villas.
- 1.6. There is two-storey terraced housing (Dixon Villas) located on the opposite side of Devitt Lane from the appeal site.

2.0 Proposed Development

- 2.1. The proposed development will principally consist of the demolition of existing single-storey and 2-storey buildings with a total floor area of 674 sq. m, and the construction of a mixed-use development (1,186.7 sq. m) consisting of two buildings ranging in height from two storey to 4 storeys.
- 2.2. The proposed mixed uses comprise as follows;
 - 8 no. 2-bed later living residential units,
 - Restaurant unit (168 sq. m),
 - Retail unit (91 sq. m)
 - Medical centre (136 sq. m).
- 2.3. The proposed restaurant, retail use and medical centre are all located at ground floor level.

2.4. Table 1 below sets out the number of proposed apartments on each floor level and the overall mix of unit types.

Apartments	2-bed units (3P)	2-bed units (4P)	Total
First Floor	2	3	5
Second Floor	1	2	3
Total	3	5	8
Overall Mix	37.5%	62.5%	

2.5. Each apartment is served with private open space in the form of a balcony. In addition, each apartment also includes individual storage provision.

2.6. The proposed development includes communal amenity space at ground level, which is 117 sq. metres in size.

2.7. The development also includes bicycle storage and refuse storage at ground floor level.

2.8. The application is accompanied by the following documentation:

- Planning Report
- Architectural Design Statement
- Transportation Statement
- Water Services and Flood Risk Assessment
- Daylight and Sunlight Assessment Report
- Appropriate Assessment Stage 1 – Screening Report
- Ecological Impact Assessment Report
- Planning Stage Construction & Environmental Management Plan
- Operational Waste Management Plan

3.0 Planning Authority Decision

- 3.1. The Planning Authority decided to grant planning permission, subject to 20 no. conditions. The following PA conditions are bespoke.

Condition no. 2

The residential tenure of the development shall be restricted to assisted living use, whereby the occupancy of the units shall be permanently subject to a restriction that requires at least one of the primary residents of each occupied unit to be aged 55 years of age or older.

Reason: In the interests of clarity and the use of the development as proposed.

Condition no. 3

Unobstructed Pedestrian/cycle access to and from Devitt Lane and Glasthule shall be maintained at all times. There may be no physical or operational impediment to such movements within the subject site.

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

Condition no. 4

The Planning Authority have concerns that the current form of the proposal, may result in adverse overlooking effects, between the balconies/terraces of apartment units B & C and bedrooms of units F & G. Concerns also arise in relation to overlooking between units A & D. Prior to the commencement of works, the applicant shall submit to the Planning Authority for its written agreement, alternative designs to these units internal areas and or elevations ensuring the proposal will not result in undue overlooking effects. Methods to be considered are the creation of winter gardens, partial or wholly obscured glazing, minor relocation of fenestration and/or high-level windows.

Reason: In the interest of residential amenity

Condition no. 7

The Applicant shall submit a detailed walkability/access audit which assesses the proposed development in the context of the principles of universal design and

equitable use. Any issues identified in the audit shall be addressed in revised drawings to be submitted including the following items:

- a. Measures which prevent private vehicles from entering the proposed development for parking purposes from Glasthule Road.
- b. Removal of footpath dishing to Glasthule Road.
- c. Provision of tactile paving or other such measures to delineate the transition from the proposed pedestrian area to the carriageway onto the public road (access lane to the rear).
- d. Contrasting pavement/cycle parking stand colour in order to improve visibility of same, with tapping rails to be installed to outdoor cycle parking.

Reason: To ensure the principles of universal design and equitable use are adhered to.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report dated 14th October 2024, notes the following.

- Proposal is acceptable in principle having regard to the zoning objective 'Neighbourhood Centre Facilities'.
- Also relevant is section 13.1.2 'Transitional Zonal Areas' of the CDP.
- Issue raised by Drainage Planning in relation to green roof can be addressed by condition.
- Proposal would not be visually discordant to the established amenities and development is commensurate with adjacent 'A' zoning objective.
- Proposed residential density range is 174.9 units per hectare which falls within the density range for this area.
- A condition is recommended to ensure that the proposed apartments shall be restricted for use as later living units to persons over 55 years of age.
- The proposed apartments are designed to overlook the communal space. The communal space is well designed.

- The communal open space proposed is not strictly in accordance with the provisions of the CDP, however this is considered acceptable given the nature of the development relates to Later Living and compliance with S. 4.3.2.6 Policy objective PHP30 of the CDP.
- The communal open space is not for the exclusive use of residents; however, this is considered acceptable as the nature of the development is urban infill less than 0.25ha, and communal space can be relaxed. The proposal will promote pedestrian permeability.
- The proposed residential units accord with the Apartment Design Guidelines, 2023.
- The mix of two-bed units is not inconsistent with CDP policies for housing older people.
- Proposal is exempt from Part V.
- Residential development meets the requirements of SPPR 3 (floor areas), SPPR 4 (dual aspect ratios), SPPR 5 (floor to ceilings heights), SPPR 6 (lift and stair cores) and storage requirements of the Apartment Guidelines.
- The design of the apartments overlooking the internal courtyard space provides natural surveillance.
- PA has concerns in respect of balconies/terraces of apartment units B & C, which may result in overlooking considering 5.2m separation distance. However, there is an opportunity to include both or one of these spaces as a winter garden. Condition recommended.
- Separation distance between living room window in Unit F relative to private amenity space of unit G, and bedroom no. 2 window of unit F relative to bedroom no. 1 of unit G are inadequate. Issue should be addressed by fenestration treatment or redesign of balcony.
- Concerns in relation to overlooking between living area and/or bedroom of apartments A and D, which can be addressed by condition.

- The submitted daylight and sunlight report demonstrate that the development performs well. No adverse impacts on neighbouring properties in terms of daylight and sunlight or overshadowing.
- Building height acceptable.
- Section 5.5.1 of the submitted Planning Report provided reasoning as to why the proposal is not providing public open space. PA considers this acceptable having regard to proximity to local public parks. Development contribution in lieu of public open space provision is acceptable.
- PA has no objection to the non-provision of car parking spaces.
- No significant impact upon Natura 2000 sites.
- EIA not required.

3.2.2. Other Technical Reports

- **Architects Office:** Further information sought in relation to (a) parapet detail, (b) computer generated imagery illustrating pedestrian views from along Newtownsmith and Adelaide Road and aerial view towards the sea from the opposite angle, and (c) details of façade to rear of third / fourth floor.
- **Drainage Planning:** Further information sought (a) details of the sedum green roof and whether blue roof is proposed, (b) provide details of green roof coverage and maintenance access details, (c) review attenuation storage, (d) updated hydraulic modelling results, (e) proposals to interception and treatment, and (f) an analysis of a 50% blockage in the surface water drainage system and shall be referenced in Site Specific Flood Risk Assessment.
- **Environmental Enforcement:** Development acceptable subject to the following conditions (a) construction environmental management plan, (b) operational waste management plan, (c) public liaison plan, and (d) pest control plan.
- **Environmental Health Office:** Further information sought for (a) construction environmental management plan and (b) noise.

- **Transportation Planning:** No objections to non-provision of car parking spaces. The existing loading facilities in the surrounding areas of the proposed development are deemed acceptable. Further information sought in relation to the following (a) cycle parking spaces, (b) walkability/access audit, (c) construction management plan, and (d) waste collection.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

3.4.1. The PA received 13 no. observations to the application, including 2 no. observations supporting the proposed development and 11 no. observations objecting to the proposed development.

3.4.2. The following is a summary of issues raised, in the 2 no. observations, in support of the proposed development.

- The mix of uses proposed will greatly enhance the vibrance of the village.
- Proposal will add new building of architectural quality.
- The residential density is welcomed.

3.4.3. The issues raised in the 11 no. observations objecting to the proposed development are summarised as follows.

- Excessive height of corner tower. Omission of fourth floor would address the issue.
- Overshadowing of street.
- Overbearing and out of scale of existing village streetscape.
- Insensitive design to existing village character.
- Value of communal amenity space is questionable.
- Proposed bar / restaurant does not meet the technical requirements for storage / deliveries and good refuse management.
- Unclear what categorises the apartments suitable for 'elder' use.

- The residential design is poor quality with poor layout resulting in overlooking and poor-quality private amenity space.
- Adverse impact on sunlight and daylight of neighbouring properties. Removal of third floor would partly address these issues.
- Overlooking of neighbouring property.
- Demolition and construction nuisance.
- Nature of uses and anti-social behaviour.
- Waste management.
- New pedestrian area conflicts with policy for transitional zonal areas.
- Drainage concerns.
- Inadequate car parking provision for proposed 'Later Living Units'.

4.0 Planning History

4.1. On site

L.A. Ref. D99A/1003 (PL06D.118539)

- 4.1.1. Permission **refused** for demolition of existing car showrooms office and workshop to construct 3 storeys over basement mix-use development consisting of basement car park, ground floor retail units and 8 no. duplex apartments at first floor level.

Reasons for refusal include (1) the design and materials would materially contravene a CDP 'infill development' objective and the requirements of the para. 3.4.2 of the CDP, (2) Due to the insufficient width of the rear laneway the proposed development would give rise to hazardous traffic movements and would endanger public safety by reason of traffic hazard. On appeal the Board **granted** permission.

L.A. Ref. D99A/0286 (PL06D.112081)

- 4.1.2. Permission **refused** for demolition of existing car showrooms office and workshop to construct 3 storeys over basement mix-use development consisting of basement car park, ground floor retail units and 8 no. duplex apartments at first floor level.

Reasons for refusal include (1) overdevelopment of site, (2) inadequate off-street car parking provision, (3) access onto the existing laneway is likely to endanger public

safety by reason of traffic hazard, and (4) overlooking and substandard level of residential amenity. The decision was appealed to ABP (PL06D.112081). The appeal was subsequently **declared invalid**.

V/059/24 (Part V Exemption Certificate)

- 4.1.3. Part V exemption certificate granted by the PA on the 4th of September 2024.

4.2. **Relevant Application in Vicinity of Subject Site**

LA Ref. D22A/0766 (Appeal Ref. 316335)

- 4.2.1. Permission granted by PA at 23-27 Glasthule Road, Glasthule, for demolition of existing commercial building on site and construction of 5-storey mixed-use building including two commercial units and 7 no. apartments. On appeal the Board **granted** permission for the development.

5.0 **Policy Context**

5.1.1. The National Planning Framework – First Revision (April 2025)

Several national policy objectives (NPOs) are applicable to the proposed development. These include NPO 7 (compact growth), NPO 9 (compact growth), NPO 12 (high quality urban places), NPO 22 (standards based on performance criteria), and NPO 45 (increased density).

5.1.2. Eastern Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019 - 2030

This RSES provides a high-level development framework for the Eastern Region that supports the implementation of the National Planning Framework (NPF). The vision of the RSES is to create a sustainable competitive region that supports the health and well-being of people and places, with access to quality housing, travel and employment opportunities for all.

5.1.3. Section 28 Ministerial Planning Guidelines

Note: Circular Letter NSP 03/25 confirms that the Design Standards for New Apartments, Guidelines for Planning Authorities (2025) are not applicable to the current development before the Commissioners. The Apartment Guidelines (2025) are applicable to any application for planning permission or to any subsequent

appeal or direction application to An Coimisún Pleanála submitted after the issuing of the Guidelines, i.e. from 9th July 2025.

The Design Standards for New Apartments, Guidelines for Planning Authorities (2023) applies to current appeals or applications that were the subject of consideration within the planning system on or before the 8th of July 2025.

The relevant guidelines for the proposed residential development include the following:

- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines). Applicable policy for the proposed development includes:
 - Standards and requirements of SPPR 2 (discretion of standards on a case-by-case basis for certain building schemes) SPPR 3 (minimum floor areas, and by reference to Appendix 1, minimum storage, private open space areas for apartments), SPPR 4 (33% to be dual aspect units in more central and accessible urban locations).
- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024. Applicable policy for the proposed development includes:
 - Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 (Settlements, Area Types and Density Ranges) are applied in the consideration of individual planning applications.
 - Section 5.3: includes achievement of housing standards as follows:
 - SPPR 1 – Separation Distances (minimum of 16m between opposing windows).

5.2. Dun Laoghaire-Rathdown County Development Plan, 2022 – 2028

5.2.1. The appeal site is zoned 'Objective NC' and the stated objective for such land use is

'to protect, provide for and-or improve mixed use-use neighbourhood centre facilities'.

5.2.2. Chapter 4 – Neighbourhood – People, Homes and Place

5.2.3. Section 12.3.1 'Quality Design' advises that a core aim of land-use planning is to ensure that new residential developments offer a high quality living environment for residents, both in terms of the standard of individual dwelling units and in terms of the overall layout and appearance of streets and outdoor spaces.

5.2.4. Section 12.3.1.1 'Design Criteria' advises that an objective of the Plan is to achieve high standards of design and layout to create liveable neighbourhoods. The following is relevant criteria for the proposed development.

- Land use zoning and specific objectives
- Density - Higher densities should be provided in appropriate locations.
- Site configuration, open space requirements and the characteristics of the area will have an impact on the density levels achievable.
- Quality of the proposed layout and elevations, layouts, elevations, and plan form must be designed to emphasise a 'sense of place' and community, utilising existing site features, tree coverage and an appropriate landscape structure.
- Levels of privacy and amenity, consideration of overlooking, sunlight/daylight standards and the appropriate use of screening devices.
- Quality of linkage and walking and cycling permeability – to adjacent neighbourhoods and facilities
- Accessibility and traffic safety
- Quantitative standards
- Safety and positive edges to the public realm - opportunities for crime should be minimised by ensuring that public open spaces are passively overlooked by housing and appropriate boundary treatments applied.
- Quality of proposed public, private, and communal open spaces and recreational facilities
- Quality of the pre-existing environmental sound environment.
- Context

- Variety of house types and unit size.
- Roofscape, plant and green roofs.

5.2.5. The following policies are relevant to the proposed development

- Policy Objective PHP18: Residential Density
- Policy Objective PHP20: Protection of Existing Residential Amenity
- Policy Objective PHP27: Housing Mix
- Policy Objective PHP30: Housing for All
- Policy Objective PHP42 Building Design & Height

5.2.6. Chapter 12 – Development Management

The following is relevant to the proposed development.

- Section 13.3.3.2 – Residential Density
 - This section advises compliance with s. 28 guidelines ‘Sustainable Residential Development in Urban Areas (2009)’ and Sustainable Urban Housing: Design Standards for New Apartments (2020)’.
- Section 12.3.5 – Apartment Development
 - This section includes guidance on dual aspect apartments, separation between blocks, internal and external storage, minimum floor areas, additional apartment design requirements.
- Section 12.3.7 – Additional Accommodation in Existing Built-up Areas
 - This section provides guidance on ‘living over the shop’,
- Section 12.4 – Transport
 - The appeal site is located within Parking Zone 2. Table 12.5 ‘Car Parking Zones and Standards’ sets out the car parking requirements by development type.
 - Section 12.4.5.2 advises that the PA may consider that no car parking spaces are required for small infill residential schemes (up to 0.25 ha) or brownfield/refurbishment residential schemes in zones 1 and 2.

- s. 12.4.5.2 (i) includes 'Assessment Criteria' for deviation for car parking standards.
- Section 12.4.6 provides guidance for cycle parking.
- Section 12.6.1 – Assessment of Development Proposals in Towns, Districts and Neighbourhood Centres.
- Section 12.8 Open Space and Recreation

5.2.7. Appendix 5 – Building Height Strategy

The following policy objectives are relevant to the proposed development

- Policy Objective BHS 1 – Increased Height
- Policy Objective BHS 3 – Building Height in Residual Suburban Areas

5.3. **Natural Heritage Designations**

- South Dublin Bay SAC (Site Code 000210) 2.3km northwest
- Rockabill to Dalkey Island SAC (Site Code 003000) 2.2km east
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) 2.3km northwest
- Dalkey Islands SPA (Site Code 004172) 2.1km southeast
- Dalkey Coastal Zone and Killiney Hill pNHA (Site Code 001206) 160m north
- South Dublin Bay pNHA (Site Code 000210) 2.3km northwest

6.0 **EIA Screening**

The proposed 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 proposed 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 proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. The third-party submission is by residents of no. 12-16 Dixon Villas, Adelaide Road, Glashule, and the grounds of the appeal may be summarised as follows.

Appeal Ground 1

- The PA assessment and decision omits reference to concerns raised in the 11 no. submissions opposing the proposed development.
- The PA reports informing the decision fails to (a) explore the submissions in any great detail, and (b) conduct any meaningful assessment of the concerns against objectives.

Appeal Ground 2

- Section 13.1.2 'Transitional Zonal Area' of the CDP applies to this development. There are two parts to this objective (a) avoiding abrupt transitions, and (b) avoiding developments detrimental to more environmentally sensitive zones.
- Section 13.1.2 refers to particular attention must be paid to the use, scale and density of development proposals; however, these factors are not intended to be exhaustive and DLRCC is obliged to properly take into account all relevant matters. As such the PA is required to take into account all factors.
- The PA planners' report (pages 27-28) assessed the transitional zone impacts concluding accordance with section 13.1.2 of the CDP. However, the Architect's Dept. requested additional information to address concerns of the bulk and proportion of the third and fourth floor elements.
- There are serious and material errors with DLRCC's considerations /assessments.
 - Failure to take into account ground floor uses of restaurant, medical clinic, and retail.
 - Failure to take into account negative impacts on these uses on established residential amenities of no. 12 – 16 Dixon Villas.

- ABP are referred to extensive concerns raised in the submitted observations specifically section 5 (nature of uses) and section 6 (waste management) and bullet point no. 4 of the Howley Hayes Cooney submission.
- Further the PA decision states that the elevational modulation facing onto the A zoned lands is not considered to result in any undue overbearance, overshadowing or overlooking impacts. The DLRCC makes serious and material errors in the assessment by,
 - Failing to provide reasons in respect of the three factors identified (overbearance, overshadowing or overlooking).
 - Failing to take into account relevant matters in its assessment, including (a) views referred to by Architect's Dept. along Adelaide Road, (b) the observations, and section 8 (overlooking and overbearing impact) and section 9 (design, height, scale and mass), (c) the observation by Howley Hayes Cooney in particular bullet points 3 and 6, and (d) matters raised in appeal ground 4 regarding SPPR 1.
- Therefore, concluded that DLRCC's assessment in respect of s. 13.1.2 is materially flawed. An appropriate assessment regarding detrimental impacts to the amenities of adjoining residential properties in transitional zonal areas is required.
- The DLRCC assessment has also failed to consider relevant aspects of the proposed development that would be detrimental to amenities of adjoining properties in the transitional zonal area, as submitted in the observation, including section 3 (demolition and construction), section 4 (construction traffic management), section 6 (waste management), section 7 (amenity space and direct access onto Davitt Lane) and section 10 (drainage), and the observations of the Howley Hayes Cooney submission, in particular bullet point 2.
- A structural survey of the boundary rubble stone wall, including measures for protection and mitigation, are requested to be addressed at the applicant's expense.

- Serious concerns in relation to nature of uses and waste management are requested to be addressed by conditions.
- Measures regarding security, external lighting, prevention of vehicular access from Devit Lane, control of noise and anti-social behaviour are required in relation to the proposed pedestrian lane.
- The 4-storey height proposed is inappropriate.

Appeal Ground 3

- Policy Objective PHP20 (Protection of Residential Amenities) of the CDP applies to the proposed development.
- Given the overlap between Policy Objective PHP20 and s. 13.1.2 the issues raised in appeal ground 2, DLRCC has failed to properly take into account relevant matters in their assessment.
- The PA included no substantive assessment of Policy Objective PHP20 in relation to the proposed development.

Appeal Ground 4

- SPPR 1 (Separation Distances - minimum of 16m between opposing windows) of the Compact Settlement Guidelines (2024) applies to the proposed development (as noted on page 23 of the Planner's Report).
- However, there is no consideration by DLRCC in the decision in SPPR 1 in respect of distances between the proposed development and the adjacent properties.
- A meaningful assessment by DLRCC would have determined, as follows,
 - The distance of 17315mm 'Dimension to Building' in respect of the proposed south facing window is misleading because there would be unrestricted views of two first floor bedroom windows in 12 Dixon Villas.
 - The separation distance between these windows would be less than 10 metres.

- Separation distance between south facing windows of bedroom 2 of Unit B and first floor bedroom windows of no. 13 and no. 14 Dixon Villas is less than 10 metres.
- Each of the above distances are less than the 16 metres identified in SPPR 1.

Other Issues

- Section 3.2 of the AA – Stage 1 Screening Report is inaccurate. The O'Toole's Stream runs within 500m of the development site.
- It is contended that the O'Toole Stream runs under the Harold School and enters the sea near the link road.
- The development site lies between Harold School and the Link Road. This is supported by Wikipedia – List of rivers in County Dublin, and 1867 Extract OS Map Sheet 23-11 which identifies the waterway in blue (refer to Annex B).

7.2. Applicant Response

The following is a summary of the applicant's response to the third-party appeal.

Consideration of Concerns Raised by Third Parties in Observations

- The PA adequately considered the third-party observations.
- In respect of specific issues
 - Car Parking – Transportation Dept. considered no car parking provision as acceptable.
 - Construction Environmental Management Plan – The PA consider that issues in relation to CEMP can be dealt with by condition. This issue was therefore addressed by the PA.

Transitional Zonal Area

- The PA correctly identified the location of the subject site within a transitional zonal area. ABP are referred to page 27 – 28 of the Planners Report.
- The proposed uses are 'permitted in principle', not open for consideration, in the zoning objective 'NC' which pertains to the appeal site.

- Residential and health related services are permitted in principle in the adjacent 'A' zoned lands. Restaurants and retail uses are 'open for consideration' in this zoning objective.
- The inclusion of uses restaurant / café and retail will add to the diversity and vibrancy of the local area, contributing to the local neighbourhood environment. The proposed uses are therefore entirely in compliance with the CDP objectives for both 'NC' and 'A' zoned lands.
- The proposed development has been respectfully designed to be 2 no. storeys in height along the boundary with Devitt Villas, ensuring a sensitive transition in height and massing to the adjacent residential properties.
- The upper floor is set back from the southern boundary closest to Devitt Villas and mitigates any potential visual impact and maintains a good relationship with the surrounding area.
- The additional height is focussed on the corner of the site adjacent to the main road away from the residential properties, minimising any negative impacts on these properties.
- Policy Objective BHS 1 (Increased Height) is relevant to the proposed development.
- The prevailing height in the immediate context of the appeal site is two-storeys. With some variation up to three storeys at no.s 1 – 4 Adelaide Road and no.s 29 and 31 Glathule Road. The proposed 4-storey element is appropriate having regard to the corner location.
- The stepped design ensures that the height is well integrated and does not result in overbearing or overshadowing impact on adjacent residential properties as confirmed by the Daylight and Sunlight Assessment.
- Successful integration of the proposed development with existing environment is recognised in the Planners Report (pg. 32 and 42).
- The DLRCC Planner's Report, contrary to the assertion by the appellant, has adequately considered the location of the subject site in a transitional zonal area, and the proposal does comply with s. 13.1.2 of the CDP.

- The uses, scale and design of the proposed development are considered acceptable and will not result in any detrimental impacts on the local area.

Protection of Residential Amenities

- The appellant refers to the lack of substantive assessment in relation to policy objective PHP20.
- The proposal is not a greater height infill development as per policy objective, which is defined as significantly taller than the prevailing height for the area.
- The proposal is 4-storeys, at its tallest, which is not significantly taller than the prevailing height of 2 no. and 3 no. storeys.
- Notwithstanding the above the Planner's Report (pg. 44 and 45) concluded that the proposed development will not result in any adverse impacts on residential amenity in terms of overlooking, overshadowing and overbearing.
- The proposed development will enhance security and safety by increasing visibility on Devitt Villas Lane.
- Contrary to the appellants assertions the PA had due regard to Policy Objective PHP20 in the assessment of the proposed development.

Separation Distances

- The design of the proposal has minimised opposing windows within 16 metres of each other, however there is an instance where this configuration occurs.
- This issue is addressed by the use of opaque glazing. This is illustrated on the proposed elevation B on the drawing entitled Proposed Elevations 01 and, on the drawing, titled Proposed View 01 submitted with the Planning Application. These are illustrated in the response submission.
- The Planner's Report considered the distances and privacy measures designed into the proposed development to be acceptable and concluded that the proposed development would accord with section 12.8.7.1 separation distances of the CDP and SPPR 1.
- The proposed design measure will mitigate the concerns of the appellant.

Potential Watercourse in Vicinity of the Subject Site

- There are no watercourses in the environs of the site in accordance with EPA maps.
- Any watercourse flowing under the Harold School would be culverted and as such would not be hydrologically linked to the subject site.

7.3. Planning Authority Response

The PA response refers the Board to the previous planner's report and considers that the appeal did not raise any new matter which would justify a change of attitude to the proposed development.

7.4. Observations

7.5. An observation was received from Fergal MacCabe of 4 Summerhill Parade, Sandycove. This observation is in support of the proposed development and the issues raised in the observation are summarised as follows.

- There was a slight decline in the population in the local area between the 2016 and 2022 Census. 53% of the local population is over 65 years old relative to the national average of 14%.
- Numerous applications for residential development granted permission in Glasthule however none were developed.
- No new residential development has been built in Glasthule village since late 1970's / early 1980s. Existing residential stock has declined.
- The village is attractive for tourists.
- The village has no coherent architectural design character. There is no common height in the village.
- Appeal site is currently occupied by a low intensity use which does not contribute to the vitality of the village, particularly at nighttime.
- The commercially zoned area of the village is constrained by residential zonings on all sides.
- The principal attraction of the village is outdoor dining confined to the south facing aspect of Glasthule Road.

- The proposed benefits of the development include.
 - 8 no. generous, wheelchair accessible, 'Later Living' apartments in the centre of the village, above a medical centre.
 - New restaurant adjacent to a sunlit laneway.
 - New corner shop.
 - High architectural / civic quality.
- The PA decision was fair, comprehensive, detailed and rigorous.
- The main substance of the grounds of appeal relates more to matters of law and procedure rather than on physical planning matters.
- The sole issue of concern relates to the perceived impact of residential amenity which can be addressed by minor design adjustment or an amending condition.
- A refusal or a total redesign and resubmission to address this single issue is disproportionate. A refusal would have an undesirable precedent for future development proposals.

8.0 Planning Assessment

Having examined the application details and all other documentation on file, including reports of the Planning Authority, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development
- Transitional Zonal Areas
- Height and Design
- Compliance with Residential Standards
- Commercial Uses
- Transportation Issues

- Waste Management
- Other Matters

8.1. **Principle of Development**

- 8.1.1. The appeal site is located within the village of Glasthule, and in accordance with the Dun Laoghaire-Rathdown County Development Plan, 2022 – 2028, the zoning objective for the appeal site is ‘NC’. The stated objective for such lands is:

‘to protect, provide for and-or improve mixed use-use neighbourhood centre facilities’.

- 8.1.2. Table 13.1.12 of the Dun Laoghaire-Rathdown County Development Plan, 2022 – 2028, (DLR CDP), includes a Land Use Zoning Matrix, and I would acknowledge that residential, restaurant, shop-neighbourhood and health centre / healthcare facility uses are all permitted in principle within the ‘NC’ zoning objective. The appellant raises concerns with the proposed uses given their proximity to established residential amenities. Notwithstanding this section of the DLR CDP advises that land uses designated under each zoning objective as ‘Permitted in Principle’ are generally acceptable, subject to compliance with the relevant policies, standards and requirements set out in the Plan.
- 8.1.3. Having regard to the above considerations I am satisfied that the proposed development, which relates to 8 no. apartments, a restaurant, retail use and medical centre is consistent in principle with zoning provisions of the current Development Plan.
- 8.1.4. Furthermore, Table 1.4 of the DLR CDP sets out the five strategic outcomes for the county and one of the outcomes is the creation of a compact connected county and Table 1.4 notes one of the best ways to transition to a climate resilient County is to consolidate development within the existing urban footprint.
- 8.1.5. The above strategic outcome for the county is supported by key development strategic policy objectives within the DLR CDP to achieve compact growth (Policy Objective CS11), development of brownfield sites (Policy Objective CS12) and to address underutilisation of lands (Policy Objective CS14).

- 8.1.6. The intensification of the development site is also consistent with the National Planning Framework – First Revision¹ policies such as compact growth (NPO 7 and NPO 9) and increased density (NPO 45). Further the development proposal is consistent with EMRA Regional Spatial Economic Strategy (2019 – 2031) policies to achieve compact growth (RPO 3.2) and brownfield regeneration (RPO 3.3).
- 8.1.7. I would therefore conclude that the proposed mixed-use development which involves the intensification of an existing urban site is consistent with the policy provisions of the Dun Laoghaire-Rathdown County Development Plan, 2022 – 2028, and national and regional policy objectives to achieve compact growth and brownfield regeneration and therefore I would consider that the principle of development is acceptable.

8.2. **Transitional Zonal Areas**

- 8.2.1. The appellant appeal ground 2 submits that the PA's assessment in respect of s. 13.1.2 'Transitional Zonal Areas' of the DLR CDP is materially flawed and that an appropriate assessment regarding detrimental impacts to the amenities of adjoining residential properties in transitional zonal areas is required.
- 8.2.2. The appeal site although zoned NC, abuts a more sensitive land-use zoning to the immediate south, which is zoned 'Objective A'. The stated land use objective for 'A' is as follows.

'To provide residential development and improve residential amenity while protecting the existing residential amenities'.

- 8.2.3. Accordingly, section 13.1.2 'Transitional Zonal Areas' of the DLR CDP is a relevant consideration. Section 13.1.2 of the DLR CDP advises that it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones and particular attention is recommended in relation to use, scale and density of development proposals within mixed use zones, abutting residential zones.
- 8.2.4. The rear elevation of the proposed development abuts the existing laneway, Devitt Lane, and on the opposite side of the laneway there are established two-storey terraced houses, i.e. Dixon Villas which are zoned Objective A. I would note that the first floor south facing elevation of the proposed development, which faces onto the

¹ April 2025

laneway, includes two windows, both serving bedrooms. The first-floor bedroom window serving Unit B is set back approximately 12 metres from the first-floor rear elevation of the nearest property in Dixon Villas. I would also note that bedroom no. 1 in Unit C is set back approximately 17 metres from the existing directly opposing building.

- 8.2.5. The DLR CDP provides support for the guidelines 'Sustainable Residential Development in Urban Areas' (2009), which were replaced by the Compact Settlement Guidelines (2024). SPPR 1 of the Compact Settlement Guidelines (2024) requires a separation distance of 16 metres between opposing rear first floor windows. SPPR 1 also states that separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.
- 8.2.6. The proposed development includes a design solution for the two-bedroom windows, referred to above, in the form of the proposed windows finishes. In this regard the submitted drawing 'Proposed Elevation 01' illustrates that the said two-bedroom windows are finished in opaque glass which would eliminate any potential overlooking concerns from the proposed development to adjoining amenities.
- 8.2.7. The proposed development also includes a transitional building height as the height of the proposed building is lower abutting the site boundaries to the rear of the site adjoining Devitt Lane and increases to 3-storeys in the centre of the site away from the site boundaries. The proposed building height is two-storeys facing onto the lane, and the rear elevation of the setback third storey is 3.3m for the proposed eastern most block and 6m for the proposed western most block from the rear building line. These setback distances, at third floor level, would in my view allow for a suitable transition from the proposed development to the residential uses to the south of the site. Furthermore, I would note that the massing of the block at third floor level is reduced to allow for setbacks from the east and west site boundaries to the side of the development site. This design feature will reduce the impact of the proposed development on the environmentally sensitive zoning objective to the south of the appeal site.

- 8.2.8. A further relevant consideration in relation to transitional zonal areas is the submitted 'Daylight and Sunlight Assessment Report' prepared by 3D Design BUREAU, that accompanied the planning application. The applicant's response submission refers to the 'Daylight and Sunlight Assessment Report' as evidence that the proposed development is integrated into the surrounding context and does not result in an overbearing and overshadowing impact on adjacent residential properties.
- 8.2.9. I would note that the submitted 'Daylight and Sunlight Assessment Report' includes an 'impact assessment' with an assessment on the Vertical Sky Component (VSC), Effect on No Sky Line (NSL), Effect on Annual/Winter Probable Sunlight Hours (APSH/WPSH) and Effect on Sun on Ground in Existing Gardens.
- 8.2.10. In relation to VSC the report illustrates that 25 no. windows / rooms across the surrounding properties along 2 Adelaide Road, 12 – 16 Dixon's Villas, 11 Glashule Road and 19 Glashule Road were assessed. The report demonstrates that 22 no. of these windows (or rooms) would be considered negligible and 3 no. windows (or rooms) had a minor adverse effect. As such 88% of assessed windows would experience a 'negligible' level of effect. The 3 no. windows which experience a minor adverse level of effect relate to no. 2 Adelaide Road (2 windows) and no. 11 Glashule Road (1 no. window).
- 8.2.11. I noted from my site assessment, as confirmed in the submitted Daylight and Sunlight Assessment Report, that no. 2 Adelaide Road is a commercial property, and the use status in relation to the upper floor of 11 Glashule Road is not confirmed.
- 8.2.12. The Report demonstrates that the Vertical Sky Component (VSC) for no. 2 Adelaide Road (2 windows) measured at the centre of the existing main windows is either greater than 27% or that the change in difference is less than 8% its former value, which would ensure compliance with BRE Guidelines. I would also acknowledge that the Report assessed the effect on APSH/WPSH on 4 no. windows (rooms) across the existing properties 2 Adelaide Road and 11 Glashule Road and concluded that 100% of these windows have met the criteria for the effect of APSH and WPSH as set out in the BRE Guidelines.
- 8.2.13. The Daylight and Sunlight Assessment Report also assessed the effect the proposed development would have on the level of sunlight on March 21st in the rear gardens of the neighbouring properties that are located along 2 Adelaide Road and 11 Glashule

Road and concluded that 100% of these outdoor spaces have met the criteria for effect on sun lighting as set out in the BRE Guidelines.

8.2.14. Another relevant consideration, having regard to the appeal submission, is in respect of the proposed commercial uses and their associated impacts on the established residential amenities, in particular on Dixon Villas situated to the south of the appeal site.

8.2.15. The appellant raises concerns in respect of associated impacts on adjacent residential amenities from potential outdoor seating, late opening hours and noise from the proposed restaurant / bar use. The proposed development does not include any proposals for outdoor seating and any subsequent proposals for outdoor seating would require a Licence from the Council in accordance with section 254 of the Planning and Development Act, 2000 (as amended). This is a separate statutory process to the current appeal before the Commission, which would provide for third party participation. As such I would therefore consider that potential impacts from outdoor seating is not a relevant consideration for this appeal.

8.2.16. I note that other issues raised, including impacts of noise, fumes and odours are management issues that can be addressed by conditions, should the Commission be minded to grant permission.

8.2.17. I have considered the impacts of the proposed commercial development on adjacent residential amenities and having regard to the scale of the proposed commercial uses and the established commercial uses within the existing neighbourhood centre of Glashule, I would be satisfied that any impacts can be adequately managed to prevent any adverse effects on established residential amenities.

8.2.18. Conclusion

I would conclude on the basis of the design measures to the rear building elevation, the transitional building height, the results of the applicant's submitted Daylight and Sunlight Assessment Report and the scope for conditions to manage potential adverse operational impacts, that it has been adequately demonstrated that the proposed development would avoid any abrupt transitions, and would not be detrimental to the more environmentally sensitive zones, and therefore would be compliant with s. 13.1.2 'Transitional Zonal Areas' of the DLR CDP.

8.3. **Height and Design**

- 8.3.1. In terms of established building height context, the existing building on the appeal site is predominantly single storey with a partial two-storey element. I noted from my site assessment that the immediate context of the appeal site is characterised by two-storey building heights, including the property situated to the immediate west of the appeal site, and on the opposite side of the public road. However, there is no coherent building height locally as there are some 3-storey and 4-storey heights within a 200m radius of the appeal site including a building further east along Glasthule Road, and a building situated opposite Dixon Villas, on Adelaide Road.
- 8.3.2. The appeal submission and the observations submitted to the PA raise concerns in respect of an excessive building height and insensitive design as it is considered that the four-storey element in a bulk form fails to reflect and integrate with any of the features and proportions of the primarily two-storey Victorian buildings.
- 8.3.3. The proposed building height is a maximum of 4-storeys. The policy approach to building height is defined in the DLR CDP in a number of sections. Both Policy Objectives PHP20² and PHP42³ of the CDP provide guidance in terms of assessment criteria and define the building height for consideration in respect of the performance-based criteria as set out in Table 5.1 in Appendix 5 'Building Height Strategy' of the CDP.
- 8.3.4. The consistent approach in both policies referred to above is that building heights greater than 4-storeys would require an assessment under the performance-based criteria in Appendix 5. This approach is also consistent with Policy Objective BHS 3⁴ of Appendix 5, which refers that within the built-up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are specifically taller (more than 2 storeys taller) than the prevailing height for the area.
- 8.3.5. Accordingly, as the proposed development is a maximum height of four storeys and the proposed building height is not greater than two storeys relative to the prevailing height of the area, the performance-based criteria as set out in Table 5.1 in Appendix

² PHP20 'Protection of Existing Residential Amenity'

³ PHP42 'Building Design and Height'

⁴ Building Height in Residual Suburban Areas

5 of the CDP would not be applicable in this case. Further I would note that Policy Objective PHP42 (Building Height and Design) refers that new development complies with Appendix 5, which I have noted above is not relevant for the proposed 4-storey height.

- 8.3.6. Therefore, my assessment in this case relates to the consideration of Policy Objective PHP20 (Protection of Existing Residential Amenity) of the CDP, and whether the proposed 4-storey building would integrate with the established built character, having regard to the submissions on the file. I have considered Policy Objective PHP20 under paragraph 8.2 'Transitional Zonal Areas' above, and I have concluded that the proposed building height would not be detrimental to the adjacent residential amenities and that the proposed building height is consistent with the development plan provisions in respect of Transitional Zonal Areas'.
- 8.3.7. I will now consider the impact of the proposed development on the established character of the built environment. A key design feature of the proposed building height is the location of the 4-storey element at the corner of the site adjacent to the junction with Glathule Road and Adelaide Road. The application documentation included a Planning Report, prepared by a Planning Consultant, and in respect of the proposed building height I would note that the report argues that the corner site located at the junction is an appropriate location for increased height. The applicant's Planning Report submits that the prominence of corners makes them capable of absorbing and facilitating taller buildings, given their 'bookend' role and also an interconnector between two or more streets.
- 8.3.8. Further the applicant's Planning Report argues that height transition is located at the corner of the proposed building and that the proposal respects the adjoining two-storey height to the west and east by placing the proposed increased height at the most suitable location. I would acknowledge that the Architectural Design Statement, submitted with the application, argues that the additional storey helps to define the corner with more robust built form. The Architectural Design Statement submits that the creation of a corner feature avoids an overly monotonous streetscape in terms of building height. I will evaluate the applicants' rationale for greater height at this corner site in para. 8.3.10 below.

- 8.3.9. The PA in their assessment concluded that having regard to the prevailing height of the surrounding area and the permitted height that the corner site, at the junction of Glashule Road and Adelaide Road to be an appropriate location for the 4-storey element of the built form and the proposal would not be considered visually discordant.
- 8.3.10. The application documentation includes 4 no. photomontages, from which I will assess the proposed building height and design in respect of the established village character from each of these photomontages.

Proposed View 02

Having regard to the junction of Adelaide Road and Glashule Road, I would consider that there is capacity to absorb the proposed 4-storey structure as viewed from Glashule Road east. Furthermore, I would consider based on the submitted photomontage that the modulation of the proposed building which provides for recessed balconies at first and second floor level would reduce the bulkiness and mass of the proposed building. In addition, the ratio of glazing to solid is high, as viewed from Glashule Road to the east. The inclusion of floor to ceiling height glazing would reduce the bulkiness and massing of the proposed elevation, particularly at ground floor level where a high proportion of glazing is proposed. The proposed 4-storey height is also set back from the adjoining 2-storey height on Adelaide Road which avoids an abrupt transition. This design approach is consistent with section 3.7 'Suburban Infill' of the Appendix 5 of the DLR CDP, which advises that the general approach for greater height in suburban areas, where the prevailing height is 2-storeys, has been to taper height from a high point in the centre of the site down to the site boundaries where the height of adjacent buildings can often be lower.

Proposed View 03

The submitted photomontage includes a view from the Link Road, situated to the north of the appeal site. I would consider, as noted above, that the junction of Adelaide Road and Glashule Road would facilitate a greater height at the corner of the development site than the prevailing height, and this ensures, in my view, that the increased height, as viewed from the Link Road, is not overbearing. In addition, the proposed graduation of height from 4-storey to 2-storey to the west along the

development site would reduce the appearance of the proposed building as viewed from this location.

Proposed View 04

The view of the proposed building is from the opposite side of Glasthule Road, and the photomontage illustrates the transition of the building height from 4-storey to 2-storey which provides for an appropriate transition given the prevailing two-storey height located to the immediate west of the appeal site. The proposed laneway divides the development into two blocks, and the separation of the proposed blocks has the effect of reducing the massing of the development as viewed from the opposite side of Glasthule Road.

Proposed View 06

The submitted photomontage includes a view of the proposed development from Glasthule Road to the west of the development site. The proposed 4-storey element is set back from the established buildings (i.e. no. 11 Glasthule Road). Furthermore, the proposed block adjoining no. 11 Glasthule Road includes a setback third floor which is set back as far as the roof ridge line of no. 11 Glasthule Road. The proposed third floor level is a consistent height with the adjoining ridge line which allows for visual integration of the development to the established building height character to the immediate west of the development site. I would note that the applicant's submitted Planning Report contends that given the flat roof design, the proposed 3-storey level assimilates sympathetically with the existing streetscape, and I would agree with this assertion.

- 8.3.11. In addition to the above submitted photomontages I would note the internal report from the Architect's Department of the Council outlines their overall satisfaction with the proposed development, however the Architect's Department requested further information in relation to visual impact of the proposed development. In particular the Architect's Dept. requested that the applicant address concerns in relation to bulk and proportion of the third and fourth floors as viewed from Adelaide Road and Newtownsmith, which were not included in the submitted photomontages.
- 8.3.12. I evaluated the proposed building height from both Adelaide Road and Newtownsmith, during my site assessment and I observed that the proposal would have negligible visual impact from Newtownsmith. This conclusion is on the basis of

the prominence of the existing buildings along Newtownsmith, which have limited front garden space, would prevent views towards the development site. There would be partial visibility of the proposed development from the junction of Newtownsmith and the Link Road, which I have assessed above under proposed view 03.

- 8.3.13. In respect of Adelaide Road, I would note that the junction of Adelaide Road with Glashule Road would have capacity to absorb the proposed 4-storey building height, and further I noted that the local topography falls along Adelaide Road towards the development site. The fall in level along Adelaide Road would mean that the buildings and structures in the foreground situated on higher elevations than the appeal site would act as local factors in diminishing the visual impact of the proposed development as viewed from Adelaide Road.
- 8.3.14. In terms of the proposed materials, I noted from my site assessment that there is a mix of building materials locally, however on the opposite side of Glashule Road from the development site there is established red brick above the shopfronts. There is also established red-brick materials above existing shopfronts further east from the appeal site along Glashule Road. I would consider that the red brick finishes in the proposed building would be sympathetic to the character of Glashule and would therefore be consistent, in terms of materials, with the established historic character the area.
- 8.3.15. I would also note that the Architect's Dept. requested further information to clarify elevation finishes of the proposed building. I would consider that these issues can be dealt with by condition, should the Commission be minded to grant permission.
- 8.3.16. In further consideration of the proposed building height I would note, from the provisions of the CDP, that the appeal site is not located within an Architectural Conservation Area or a candidate Architectural Conservation Area. Furthermore, the proposed development would not impact on any designated 'protected views' in accordance with the provisions of the DLR CDP.

8.3.17. Conclusion

I would conclude on the basis of the above considerations that the proposed development, having regard to its location at the corner of Glashule Road and Adelaide Road would be acceptable in terms of design and height and accordingly I would be satisfied that the proposed height and design would be acceptable and

consistent with the provisions of the DLR CDP, in particular Policy Objective PHP20 and Policy Objective BHS 3 (Appendix 5).

8.4. **Compliance with Residential Standards**

8.4.1. **Residential Standards**

In appeal ground no. 1, the appellant raises concerns that the PA assessment and decision omits reference to concerns raised in the 11 no. submissions to the PA, and one of these concerns relates to the standard of residential amenity for future occupants of the proposed development.

8.4.2. The proposed development provides for 8 no. apartments over 3 no. floors in a new building. In terms of assessing the standard of residential amenity for future occupants, relevant considerations include private open space provision, individual floor areas, storage provision and bedroom floor areas.

8.4.3. Section 12.3.5 (Apartment Development) of the DLR CDP provides guidance for apartments in terms of dual aspect, separation distances between blocks, storage space requirements and minimum floor areas. Further, section 12.8.3 'Open Space Quantity for Residential Development' provides guidance in respect of open space requirements for apartment developments.

8.4.4. The DLR CDP requires that apartments comply with stated minimum floor area standards, minimum storage provision and minimum private open space standards. I would note that these respective CDP quantitative standards are identical to those in the Apartment Guidelines (2023).

8.4.5. The DLR CDP does not include guidance on minimum bedroom standards; however, the Apartment Guidelines (2023) requires the following minimum bedroom sizes for apartment units as follows:

- Two-bedroom unit (3 person) – 13 + 7.1 sq. m. = 20.1 sq. m.
- Two-bedroom unit (4 person) – 11.4 + 13 sq. m. = 24.4 sq. m.

8.4.6. Table 2 below sets out the private open space provision, floor areas, storage provision and bedroom floor areas for the apartments proposed relative to the minimum standards recommended in the Apartment Guidelines (2023).

Unit Type	No. of units	Min. Required Floor Area	Floor Area	Min. Required Amenity space	Proposed Private Open Space	Min. Required storage space	Storage Provision	Min aggregate bedroom requirement	Agg. bedroom provided
2-bed unit (3P)	3	63 m ²	> 63.4m ²	6 m ²	> 6 m ²	5 m ²	> 5.1 m ²	20.1 m ²	>20.4m ²
2-bed unit (4P)	5	73 m ²	> 73.85 m ²	7 m ²	> 7.9 m ²	6 m ²	> 6 m ²	24.4 m ²	>24.4m ²

8.4.7. As set out in Table 2 above, the proposed floor areas, the private open space, the storage provision and the aggregate bedroom sizes exceeds the minimum requirements for each parameter set out in the Apartment Guidelines 2023. In terms of these parameters the proposed development would therefore provide a good standard of residential amenity for future occupants.

8.4.8. Dual Aspect Orientations

Dual aspect orientations are proposed for 6 no. apartment units which represents approximately 75% of the overall development. SPPR 4 of the Apartment Guidelines (2023) specifies that a minimum of 33% of dual aspect units will be required in more central and accessible urban locations. Further the size of the appeal site is 0.075 ha and SPPR 4 allows flexibility for PA's, at their discretion, on urban infill sites less than 0.25ha, to consider dual aspect unit provision at a lower level than the 33% minimum outlined on a case-by-case basis subject to achieving overall high design quality in other aspects of the development. As such the quantum of dual aspect apartments in the proposed development adequately exceeds the minimum standards of the Apartment Guidelines 2023 therefore providing a good standard of residential amenity for future occupants.

8.4.9. Separation Distances between Apartment Blocks

Section 12.3.5.2 'Separation Between (Apartment) Blocks' of the DLR CDP advises in respect of separation between apartment blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions. The CDP specifically refers to compliance with the Guidelines in terms of separation distances.

- 8.4.10. SPPR 1 'Separation Distances' of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) requires a separation distance of 16 metres between opposing rear windows at first floor level.
- 8.4.11. I would note that a first-floor window serving a habitable room in Unit D is set back approximately 5.2 metres from a bedroom window in Unit A. In addition, windows serving habitable rooms and bedrooms in Unit B and Unit C are set back approximately 6 – 7 metres respectively. The second-floor bedroom windows in Unit G and Unit F are set back approximately 6.2 metres respectively, and a habitable room in Unit F is set back approximately 5.2 metres from a balcony space serving Unit G. I would consider that these separation distances, having regard to section 12.3.5.2 of the DLR CDP and SPPR 1 would have the potential to reduce the standard of residential amenity for future occupants.
- 8.4.12. The PA also identified the same concerns with the apartment configurations I have highlighted in para. 8.3.10 above and although the PA granted permission for the development, condition no. 4 was included. The PA's condition no. 4 requires a revised design and layout to the respective apartments to address any potential loss of privacy and reduction in residential amenity within the proposed development. I would agree with the PA's approach given the size of the urban infill site, which is 0.075 ha, and also having regard to flexibility within both the Compact Settlement Guidelines (2024) and section 12.3.5.2 of the DLR CDP.
- 8.4.13. In the case of section 12.3.5.2 of the development plan, applicants are required to submit a daylight availability analysis for the proposed development in cases where minimum separation distances are not met. The documentation on the file includes a Daylight and Sunlight Assessment Report prepared by 3D Design BUREAU. The report includes a 'scheme performance' for the proposed development, I would note that the report tests spatial daylight autonomy (SDA) of the scheme based upon the planning drawings in relation to the criteria set out in BR 209 and BS EN 17037. In respect of BR 209 the report demonstrates 100% compliance and 81% compliance in relation to BS EN 17037. The Daylight and Sunlight Assessment Report also includes a Sunlight Exposure assessment of all habitable rooms. The assessment factors in deciduous trees and the overall result is 100% compliance rate of the assessed units in accordance with the BRE Guidelines.

8.4.14. The Report recommends on the basis of the above conclusions that a good standard of daylight will be achieved for the proposed development. I would therefore accept that the proposed development is considered to provide an acceptable standard of amenity from a daylight perspective.

8.4.15. In the case of SPPR 1 of the Compact Settlement Guidelines (2024) there is flexibility as it is stated that separation distances less than 16 metres maybe considered acceptable in circumstances where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

8.4.16. I would consider that having regard to the flexibility in the development plan in accordance with s. 12.3.5.2 and also the flexibility in SPPR 1, as discussed above, that a condition providing for amendments to design and layout, similar to that of the PA condition no. 4, would address concerns in relation to the potential reduction of residential amenity within this proposed development.

8.4.17. Public Open / Communal Space

8.4.18. In appeal ground no. 1, the appellant raises concerns that the PA assessment and decision omits reference to concerns raised in the 11 no. submissions to the PA, and one of these concerns relates to the quality and privacy of the communal open space within the proposed development.

8.4.19. The proposed development does not include public open space provision, however s. 12.8.3.1 of the DLR CDP provides that high density urban schemes and/or smaller urban infill schemes may provide adequate communal open space but no actual public open space. Furthermore, I would note that the DLR CDP notes that for sites less than 0.25ha a development contribution maybe levied in lieu. The proposed development site measures approximately 0.075 ha and is therefore less than 0.25ha. I would acknowledge that the PA concluded that the non-provision of public open space is acceptable given the development is a small urban infill scheme and also given proximity of the site to public parks, including People's Park located 395m from the site. The PA attached a condition (Condition no. 19) to their permission requiring a financial contribution in lieu of public open space provision. I would consider, given the scale of the development site and the nature of the mixed-use development, that the proposal would be acceptable without public open space

provision, subject to a condition requiring a development contribution in lieu of public open space provision.

8.4.20. The communal space for the proposed development is the internal lane between the two blocks. Having regard to the standards in the Apartment Guidelines⁵ (2023) which would require a minimum floor area for communal amenity space of 53 square metres for the proposed development, I note that the proposed development includes communal space totalling c. 118 sq. metres. I would therefore be satisfied that the proposed quantum of communal space provision in the development would satisfy the minimum requirements in the Apartment Guidelines (2023).

8.4.21. Section 4.12 of the Apartment Guidelines (2023) states that for urban infill sites less than 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality. Section 12.8.3.2 of the DLR CDP also allows for flexibility on the provision of communal amenity space for urban infill schemes on sites of up to 0.25ha. I note concerns raised in the submitted observations to the PA that the proposed communal space would be undermined as it is also a proposed public thoroughfare. The DLR CDP requires that communal open space is for the exclusive use of the residents of the development and should be accessible, secure, and a usable outdoor space. In this case the proposed communal space is not for the exclusive use of residents and is therefore the proposed communal open space is not consistent with development plan requirements. However, having regard to the location of the development proposal within an urban village close to amenities and services and the scale of the development site for urban infill scheme and the flexibility in the DLR CDP, as noted above, I would consider that the non-provision of communal open space is acceptable, and consistent with s. 4.12 of the Apartment Guidelines (2023) and Section 12.8.3.2 of the DLR CDP. As noted above condition no. 19 of the PA permission requires a development contribution in lieu of open space. I would therefore consider that the non-provision of communal space is acceptable, subject to a development contribution.

⁵ Appendix 1 'Minimum Floor Areas for Communal Amenity Space'

8.4.22. Residential Unit Types

I would acknowledge that the statutory notices refer to the apartments as 'later living residential units', and there is development plan support (Policy Objective PHP30) for the provision of such units. The PA in granting permission included a condition (condition no. 2) to specifically restrict the occupancy of the proposed apartments to certain age categories. However, I would consider that this is a management issue, and would be the responsibility of a legally constituted management company, to be agreed with the PA. I would therefore recommend to the Commission, should they be minded to grant permission, to include a condition for a management and maintenance of the proposed development to be agreed with the PA prior to the commencement of development.

8.4.23. Conclusion

In conclusion therefore, the proposed development, catering for 8 no. apartments, provides for a standard of residential amenity that exceeds the minimum requirements of the Apartment Guidelines (2023), and is also consistent with the provisions of the Dun Laoghaire-Rathdown County Development Plan, 2022 – 2028. Overall, having regard to the above considerations, I am satisfied that the proposed development would provide a good standard of residential amenity for future occupants.

8.5. Transportation Issues

8.5.1. Car Parking

In appeal ground no. 1, the appellant raises concerns that the PA assessment and decision omits reference to concerns raised in the 11 no. submissions to the PA, and one of these concerns relates to inadequate car parking provision within the proposed development.

8.5.2. In accordance with the provisions of Supplementary Map T2 Parking Zones of the DLR CDP the appeal site is located within Parking Zone 2. I would note that Table 12.5 'Car Parking Zones and Standards' of the CDP requires approximately 15 spaces for the proposed development which includes 8 residential apartments, retail,

restaurant and medical facility. The proposed development does not include any car parking provision.

- 8.5.3. I would acknowledge that the internal report from the PA's Transportation Planning Section, dated 3rd October 2024, had no objections to the lack of car parking provision at the proposed development site. The Transportation Planning Section considered the proposal acceptable having regard to section 12.4.5.2 'Application of Standards' and s. 12.3.7.8 'Living of the Shop' of the CDP which both facilitate a relaxation of parking standards, and the Compact Settlement Guidelines (2024) which recommends that car parking in centrally located areas shall be minimised, substantially reduced or wholly eliminated.
- 8.5.4. Notwithstanding the non-provision of car parking spaces I would acknowledge that section 12.4.5.2 'Application of Standards' of the CDP provides flexibility in car parking standards for small infill residential schemes (up to 0.25 ha) or brownfield/refurbishment residential schemes in zones 1 and 2. The proposed development on a site that measures approximately 0.075 ha would therefore qualify for flexibility or deviation from the car parking standards. Section 12.4.5.2 (i) 'Assessment Criteria' of the CDP sets out the criteria for consideration of deviations for car parking standards.
- 8.5.5. In considering whether Section 12.4.5.2 (i) 'Assessment Criteria' of the CDP would apply to the development site I would have regard to the applicant's Planning Report⁶, submitted with the application, and in particular section 2.3 of the report which describes the site accessibility. Section 2.3 of the Planning Report refers to the proximity of Dun Laoghaire town centre, approximately 500m from the appeal site, the proximity of several public cycle parking stands, the nearest Dart station (Sandycove and Glasthule) located approximately 250m from the subject site and existing public bus services on Glasthule Road, within short walking distances from the development site. The report also refers to proposed public transport upgrades including the 'DART+ Coastal South' programme and the proposed BusConnects Programme. I also noted from my site assessment that there are a number of public car parks located within the vicinity of the development site, including the Cowshed

⁶ Dated August 2024

Public Car Park situated within 20 metres of the appeal site, and there is also off-street permit parking provision locally.

- 8.5.6. I would also acknowledge that the applicant refers to a recent decision by the Board (appeal ref. 316335) as precedent, which is located approximately 50 metres from the proposed development site. The Board granted permission for 7 no. dwellings and 2 no. ground floor retail units, without car parking provision.
- 8.5.7. On the basis of section 2.3 of the applicant's submitted Planning Report I would be satisfied that the proposed development would satisfactorily meet the criteria in Section 12.4.5.2 (i) 'Assessment Criteria for deviation from Car Parking Standards' of the CDP, in particular the following.
- Proximity to public transport services and level of service and interchange available.
 - Walking and cycling accessibility/permeability and any improvement to same.
 - Existing availability of parking and its potential for dual use.
 - Particular nature, scale and characteristics of the proposed development (as noted above deviations may be more appropriate for smaller infill proposals).
 - The range of services available within the area.
- 8.5.8. Furthermore, and as referred in para 7.1 above, I would note key CDP strategic policy objectives to achieve compact growth (Policy Objective CS11), development of brownfield sites (Policy Objective CS12) and to address underutilisation of lands (Policy Objective CS14). The proposed intensification of an urban site would be consistent with these strategic CDP policy objectives.
- 8.5.9. In addition, the Apartment Guidelines (2023) advise in para. 4.21 in respect of car parking provision for apartment developments in central and/or accessible urban locations. The Guidelines advise that in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. Also, the Guidelines (2023) in para. 4.29 advise that for urban infill sites up to 0.25ha that car parking provision may be relaxed in part or whole. As noted above the development site is centrally located and well served by public transport and the development site is less than 0.25ha in size.

8.5.10. Therefore, in conclusion, I would consider, given the location of the proposed development, within an urban village centre site, and its proximity to public transport provision, and furthermore having regard to national, regional and local policy objectives to achieve compact forms of development and to encourage a modal shift away from the private car to more sustainable forms of transport, that the proposed development, without car parking provision, would be acceptable.

8.5.11. Cycle Parking

In respect of cycle parking facilities, the proposed development provides for 29 no. cycle parking spaces, and I would note that the basis of this cycle parking provision is based on para. 4.17 of the Apartment Guidelines (2023) which recommends 1 space per apartment bedroom and 1 visitor space per 2 residential units. On this basis the required car parking provision for the residential element of the proposal is 16 spaces + 4 visitor spaces = 20 spaces. The applicant's Planning Report has estimated that in accordance with *Standards for Cycle Parking and associated Cycling Facilities for New Development (2018)* that the required cycle parking provision for the proposed commercial uses is 7 spaces.

8.5.12. The proposed development includes provision for 29 no. cycle parking spaces. This is comprised of stacked storage space for 20 bicycles spaces, 1 no. cargo bike storage space, and 8 no. spaces provided at 4 no. Sheffield stands located along the laneway. The applicant submits that the proposed cycle parking provision exceeds the required quantity of cycle parking spaces.

8.5.13. The internal PA report from the Transportation Planning Section concludes that the required cycle parking provision for the proposed development is 30 spaces and considers that the design and layout of the proposed cycle storage facilities would need to be amended to provide for the preferred Sheffield stand type. The Transportation Planning Section recommended that further information is requested to address this issue.

8.5.14. I would consider that the principle of cycle parking provision at the development site is provided, and that issues in relation to the design of the cycle storage facilities and additional spaces can be addressed by condition, should the Commission be minded to grant permission. In this regard I would note that PA condition no. 6 related to this matter.

- 8.5.15. In respect of the internal Council report from the Transportation Planning Section, I would note and accept their comments in relation to loading bays that there are sufficient public loading bays in the vicinity of the site. In addition, the Transportation Planning Section recommend a condition in relation to walkability/access audit which I would recommend to the Commission, should they be minded to grant permission.
- 8.5.16. In conclusion therefore I would consider that issues in relation transportation matters, including car parking and cycle parking spaces have been adequately addressed.

8.6. **Waste Management**

- 8.6.1. In respect of waste management for the proposed development I would note, in accordance with the submitted plans, that the proposed waste storage provision is located to the rear of the development proposal adjoining Devitt Lane.
- 8.6.2. I would also note the appeal submission and the observations to the PA have raised concerns in relation to the location of the waste storage provision given the proximity to the adjacent residential properties at Dixon Villas.
- 8.6.3. The application documentation includes an Operational Waste Management Plan that identifies the appropriate methods of managing operational waste generated by the proposed development. The applicant acknowledges that the OWMP is a live document that will evolve over time.
- 8.6.4. The PA's internal report from Environmental Enforcement requests that a condition is attached to any grant of permission requiring that a detailed final site-specific Operational Waste Management Plan is agreed with the PA. This is required to ensure management of all operational waste within the curtilage of the development is in accordance with relevant waste legislation including byelaws. I would recommend a similar condition to the Commission, should they be minded to grant permission. I would consider this approach acceptable as it would ensure the concerns raised by the appellant are addressed.

8.7. **Other Matters**

- 8.7.1. The application documentation includes an Ecological Impact Assessment (EcIA), dated August 2024.
- 8.7.2. Although ecology was not raised in the grounds of appeal or any of the submitted observations, I would note that the EcIA describes the site as having 'buildings and

artificial surfaces' habitat and that the site is not considered to be of high ecological value.

- 8.7.3. The EclA notes that no plant species protected under the Flora Protection Order were recorded onsite. The EclA reports that no evidence of badgers were identified on site and that the onsite habitats are considered to be unsuitable for breeding, foraging and commuting badgers.
- 8.7.4. In the respect of bats the EclA notes that the site located within an urban landscape is an extensively illuminated area with hardstanding and buildings and the EclA determined that the site provided suboptimal foraging and commuting habitats due to the presence of lighting on the site. However, the EclA concludes that there were low levels of bat activity, which were recorded outside of the site boundaries and individual bats calling was observed, including that of two Leister's. These were recorded to the south of the development site.
- 8.7.5. The site was also considered unsuitable for nesting and foraging birds and also considered unlikely that the site is of any value to otters.
- 8.7.6. I therefore conclude on the basis of information available that the EclA has adequately demonstrated that the proposed development would not have a significant impact on flora and fauna.
- 8.7.7. I have noted above in para. 3.2.2 that the Drainage Planning Section of the Council requested further information. I would consider that these issues in relation to surface water run-of can be addressed by condition, should the Commission be minded to grant permission.
- 8.7.8. The internal Council reports from the Environmental Health Office and Environmental Enforcement Section recommend conditions, in the event of a grant of permission, in relation to a construction environmental management plan and a resource and waste management plan. I would recommend to the Commission, should they be minded to grant permission, a similar condition to ensure a good standard of development that protects adjacent amenities.
- 8.7.9. The appeal submission requests that a structural survey is undertaken of the existing rubble stone wall, at the applicant's expense, which is located along the southern boundary of Devitt Lane and runs along the northern garden boundaries of the

residential properties in Dixon Villas. However, I would note that this rubble stone wall is outside the red line boundary of the application site as indicated in the submitted site location map and is therefore outside the control of the applicant. Moreover, as referred to above, I would recommend a condition to the Commission, should they be minded to grant permission, that an appropriate construction management condition is attached to a permission which would address neighbouring amenities.

9.0 AA Screening

- 9.1. The appeal submission refers to a watercourse flowing under the Harolds School located approximately 500m from the development site and that the submitted Stage 1 – AA Screening is inaccurate. I noted in my AA Screening (Appendix 3 of this Report) that the referred watercourse would be culverted and would not be hydrologically linked to the development site.
- 9.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the South Dublin Bay SAC (Site Code 000210), the Rockabill to Dalkey Island SAC (Site Code 003000), the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the Dalkey Islands SPA (Site Code 004172) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The absence of any ecological pathway from the development site to the nearest European Sites.
- Small scale nature of the development site and location of the development in a fully developed urban area.
- Location-distance from nearest European sites.

10.0 Water Framework Directive

Refer to Appendix 4. I conclude that on the basis of objective information, that the proposed development, subject to standard construction practice during construction phase, 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

I recommend that planning permission for the proposed development should be granted for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028, relevant National Guidelines and the NC – Neighbourhood Centre zoning of the site, to the location of the site in an established urban area within walking distance of public transport and to the nature, form, scale, density and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential, visual or environmental amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of the development, the developer shall submit revised drawings for written agreement of the Planning Authority showing alternative designs to the internal areas and elevations of the apartment units A & D, B & C, and F & G, to ensure the proposal will not result in undue overlooking effects. Methods to be considered are the creation of winter gardens, partial or wholly obscured glazing, minor relocation of fenestration and/or high-level windows.

Reason: In the interest of residential amenity.

3. Unobstructed Pedestrian/cycle access to and from Devitt Lane and Glasthule shall be maintained at all times. There may be no physical or operational impediment to such movements within the subject site.

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

4. Details of the hours of operation of the proposed restaurant, retail use and medical facility shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In order to safeguard the residential amenity of properties in the vicinity.

5. Prior to commencement of development, the developer shall agree details of the external signage, associated with the 3 no. commercial units, in writing with the planning authority.

Reason: In the interest of the amenities of the area/visual amenity.

6. Security shutters, if required, shall be located behind the windows and shall be of the lattice see-through type. Full details shall be submitted to the planning authority for agreement.

Reason: In the interest of visual amenity.

7. The roof areas shall not be accessible except for maintenance purposes only.

Reason: In the interest of residential amenity.

8. The disposal of surface water, including SuDS measures, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage

9. Prior to the commencement of development the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

10. The Applicant shall submit revised drawings and details which demonstrate the provision of a minimum total of 30 No. cycle parking spaces to serve the proposed development. Details of the layout and cycle parking provision of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

11. The Applicant shall submit a detailed walkability/access audit which assesses the proposed development in the context of the principles of universal design and equitable use. Any issues identified in the audit shall be addressed in revised drawings to be submitted including the following items:

- (a) Measures which prevent private vehicles from entering the proposed development for parking purposes from Glasthule Road.
- (b) Removal of footpath disking to Glasthule Road.
- (c) Provision of tactile paving or other such measures to delineate the transition from the proposed pedestrian area to the carriageway onto the public road (access lane to the rear).
- (d) Contrasting pavement/cycle parking stand colour in order to improve visibility of same, with tapping rails to be installed to outdoor cycle parking.

Reason: To ensure the principles of universal design and equitable use are adhered to.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

13. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

14. Proposals for apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and apartment

numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

15. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

17. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

18. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each duplex and apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

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

Reason: To ensure the satisfactory completion of the development.

21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development

Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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

Kenneth Moloney
Senior Planning Inspector

2nd October 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-321199-24
Proposed Development Summary	The demolition of existing single storey and 2-storey building and the construction of a mixed-use development and all site works.
Development Address	No. 12-17 Glasthule Road, Glasthule, Co. Dublin.
	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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	N/A
☒ 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?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	N/A

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ 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) of Part 2: threshold 500 dwelling units. Class 10(b)(iv) of Part 2: threshold 2 ha.

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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-321199-24
Proposed Development Summary	The demolition of existing single storey and 2-storey building and the construction of a mixed-use development and all site works.
Development Address	No. 12-17 Glasthule Road, Glasthule, Co. Dublin.
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).	The development will principally consist of the demolition of existing single-storey and 2-storey buildings (674 sq. m), and the construction of a mixed-use development (1,186.7 sq. m) consisting of two buildings ranging in height from one storey to 4 storeys. The proposed mixed uses comprise as follows; 8 no. 2-bed later living residential units, restaurant unit (168.4 sq. m), retail unit (91.05 sq. m) and medical centre (136.4 sq. m). The existing building operates as a car showrooms. Given the urban location within a neighbourhood centre, there are established commercial uses and residential uses in the immediate vicinity of the subject site. The proposal is not considered exceptional in the context of the established pattern of development in the area. During the construction phases the proposed development would generate waste. However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the proposed use. The proposed development involves the demolition of the existing building. The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.
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 of natural environment	The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological importance, or any sites known for cultural, historical or archaeological significance. The nearest designated site to the appeal site is the Dalkey Islands SPA (Site Code 004172) situated c. 2.1km to the southeast of the development site. South

e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Dublin Bay SAC (Site Code 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) are both located 2.3km to the northwest of the appeal site, and Rockabill to Dalkey Island SAC (Site Code 003000) is situated 2.2km to the east of the subject site. I have concluded in my AA Stage 1 Screening that the proposed development would not likely have a significant effect on any European site. I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.
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 scale of the proposed development and the nature of construction works associated with the development, its location removed from any sensitive habitats / features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment.
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.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	N/A
There is a real likelihood of significant effects on the environment.	N/A

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3 – Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics Case file ABP-321199-24	
Brief description of project	Normal Planning Appeal The demolition of existing single storey and 2-storey building and the construction of a mixed-use development and all site works. See section 2 of Inspectors Report
Brief description of development site characteristics and potential impact mechanisms	The proposed development will principally consist of the demolition of existing single-storey and 2-storey buildings with a total floor area of 674 sq. m, and the construction of a mixed-use development (1,186.7 sq. m) consisting of two buildings ranging in height from two storey to 4 storeys. The mixed-use development will comprise of 8 no. residential units, restaurant unit, retail unit and medical centre. The existing development on the subject site comprises primarily as a single storey building, with a partial two-storey element and the use on the site is a car showrooms. The site is located within an existing urban village centre where existing neighbourhood and commercial uses are established. The site is an urban site and will be served by public water main, public drainage scheme and public surface water drain. The nearest designated site to the appeal site is the South Dublin Bay SAC (Site Code 000210) located approximately 2.3km northwest of the development site. The European Site Rockabill to Dalkey Island SAC (Site Code 003000) is located 2.2km east of the subject site, and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is located 2.3km northwest of the development site. The Dalkey Islands

	SPA (Site Code 004172) is located c. 2.1km to the southeast of the appeal site.
Screening report	Y (Prepared by Malone O'Regan Environmental). Dun Laoghaire-Rathdown County Council's planners report (14 th October 2024) concludes that the proposed development would not significantly impact upon a Natura 2000 site.
Natura Impact Statement	N
Relevant submissions	None

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
South Dublin Bay SAC (Site Code 000210)	Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Embryonic shifting dunes <u>Conservation Objectives</u> South Dublin Bay SAC National Parks & Wildlife Service	2.3km	No direct connection	N
The European Site Rockabill to Dalkey Island SAC (Site Code 003000)	Reefs Phocoena phocoena (Harbour Porpoise) <u>Conservation Objectives</u> Rockabill to Dalkey Island SAC National Parks & Wildlife Service	2.2km	No direct connection	N

South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)	Light-bellied Brent Goose Oystercatcher Ringed Plover Grey Plover Knot Sanderling Dunlin Bar-tailed Godwit Redshank Black-headed Gull Roseate Tern Common Tern Arctic Tern Wetland and Waterbirds <u>Conservation Objectives</u> South Dublin Bay and River Tolka Estuary SPA National Parks & Wildlife Service	2.3km	No direct connection	N
The Dalkey Islands SPA (Site Code 004172)	Roseate Tern Common Tern Arctic Tern <u>Conservation Objectives</u> Dalkey Islands SPA National Parks & Wildlife Service	2.1km	No direct connection	N
Further Commentary / discussion In addition to the above considerations the appeal submission refers to a watercourse flowing under the Harolds School located approximately 500m from the development site. I would note from EPA maps and the applicant's submitted Stage 1 – AA Screening Report that there is no hydrological connectivity from the appeal site to the Harold School. A watercourse under the Harold School is likely to be culverted. In respect of the South Dublin Bay SAC (Site Code 000210), the Rockabill to Dalkey Island SAC (Site Code 003000), the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the Dalkey Islands SPA (Site Code 004172) there is no hydrological connectivity				

between these European sites and the development site. The development site is located in a fully developed urban area, served by public services, therefore, it can be concluded that there are no hydrological or ecological connectivity pathways between the European Sites and the development site.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
N/A	N/A	N/A
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone) would not result in likely significant effects on the South Dublin Bay SAC (Site Code 000210), the Rockabill to Dalkey Island SAC (Site Code 003000), the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the Dalkey Islands SPA (Site Code 004172). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be

likely to give rise to significant effects on the South Dublin Bay SAC (Site Code 000210), the Rockabill to Dalkey Island SAC (Site Code 003000), the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the Dalkey Islands SPA (Site Code 004172) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The absence of any ecological pathway from the development site to the nearest European Sites.
- Small scale nature of the development site and location of the development in a fully developed urban area.
- Location-distance from nearest European sites.

Appendix 4 – WFD Impact Assessment Stage 1

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ABP-321199-24	Townland, address	No. 12-17 Glathule Road, Glathule, Co. Dublin
Description of project	Permission for mixed use development in existing urban village. Development to comprise of 8 no. apartments, restaurant use, retail use and medical facility.		
Brief site description, relevant to WFD Screening,	The appeal site is located in the centre of Glathule, Co. Dublin, and is located within an established commercial area.		
Proposed surface water details	Public drain		
Proposed water supply source & available capacity	Public services		
Proposed wastewater treatment system & available capacity, other issues	Public services		

Others?			No			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	2.3km to the northwest of the development site.	BREWERY STREAM_010 IE_EA_09B130400	Poor	Under Review	No pressures	Yes – surface run-off
Groundwater Waterbody	Underlying site	Kilcullen IE_EA_G_003	Good	At Risk	Ag, Unknown, For	Yes – site is underlain by poorly protective bedrock.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						

CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	<u>Surface</u> Site clearance / Construction	BREWERY STREAM_010	Existing surface water run-off	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice Distance to watercourse	No	Screened out
2.	<u>Ground</u> Site clearance / Construction	Kilcullen	Pathway exists	spillages	As above	No	Screened out
OPERATIONAL PHASE							
1.	Surface run-off	BREWERY STREAM_010	Surface water drainage system in the area	Hydrocarbon spillage	Public surface water drains	No	Screened out

2.	Discharges to Ground	Kilcullen	Pathway exists	Spillages	Standard operational management.	No	Screened out
DECOMMISSIONING PHASE							
1.	NA	NA	NA	NA	NA	NA	NA