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Inspector's Report

ABP-321996-25

Development	Construction of 99 Apartments with car parking and open space.
Location	Site at Beaumont Road / Beaumont Grove / Grace Park Court / Ellenfield Road, Beaumont, Dublin 9
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	2569/21
Applicant(s)	Urban Life (BMD) Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant(s)	Urban Life (BMD) Ltd.
Observer(s)	1. Angela Rushe 2. Hugh Rafferty 3. Seán Haughey 4. Mary Hehir 5. John Duddy

6. Mark Dawson and Anne Robinson
7. Aoife Spillane Hinks
8. Anne Cooney
9. Finola & Wayne Davies
10. PJ Gaughan
11. Mary Heffernan
12. Paul Salter
13. Elaine Brennan
14. Fergus Noonan
15. Bernadette and Patrick Magee
16. Edward Fitzsimons
17. Frank Cullen and Others
18. Seamus Connolly
19. Beaumont Residents' Association
20. Frances O'Dwyer
21. Carol Dempsey
22. Róisín Shortall

Date of Site Inspection	8th September 2026
Inspector	Elaine Sullivan

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Appendix 1 –EIA Pre-Screening

Appendix 2 – EIA Preliminary Examination

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1.0 Introduction

1.1. This is a 1st party appeal against the decision of Dublin City Council to issue notification to refuse permission for the construction of 2 no. two to eight storey buildings containing 99 no. build-to-rent apartments and communal amenity space with associated development on an infill site of 0.58 hectares within a suburb in Dublin City. The works would include the demolition and clearance of all buildings on the site and the construction of two apartment buildings with balconies (Buildings A and B) to contain a total of 99no. apartments. Building heights would range from 3 to 8 storeys and would be operated as a Build to Rent (BTR) development with residential amenity rooms and communal open space including a podium garden. A full description of the development is contained in Section 6.0 of this report. The issues raised in the grounds of appeal are set out in Section 12.0 of this report.

1.2. The Commission previously decided on this appeal under reference number **ABP-310709-21**. This decision was quashed by order of the High Court, and the case was remitted back to the Commission for a fresh determination. The appeal has been reactivated under **ABP-321996-25**. The following report represents a *de novo* assessment of the proposed scheme.

1.3. I note to the Commission that in the intervening period between the first appeal and the subject appeal, the *Dublin City Development Plan 2022-2028* has been adopted and replaced the previous Development Plan that the original application was assessed against. Changes to national planning policy since the application was assessed include the adoption of the *First Revision of the National Planning Framework*, the *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities,* the *Sustainable Urban Housing: Design Standards for New Apartments (2023),* and the *Planning Design Standards for Apartments, Guidelines for Planning Authorities, 2025*. (I note to the Commission that the 2025 Apartment guidelines are not relevant to the subject proposal as the guidelines are not retrospective). The original application was assessed under the provisions of the *Sustainable Urban Housing: Design Standards for New Apartments (2020).* This document allowed for a relaxation of development management standards for BTR developments under Specific Planning Policy Requirements (SPPRs) 7 and 8. The *Sustainable Urban Housing: Design Standards for New*

Apartments (2023) superseded the 2020 Guidelines and removed the special provisions for BTR development. However, Section 5.10 of the 2023 Guidelines allows for a transitional arrangement for BTR developments already in the planning system at that time. As the subject application was lodged prior to July 2023 it can be considered under the transitional arrangements and in accordance with the provisions of the *Sustainable Urban Housing: Design Standards for New Apartments (2020).*

1.4. Having regard to the High Court Order in this case, the quashing of the previous Commission decision and the passage of time, the Commission considered that it was appropriate in the interests of justice to request relevant parties under section 131 of the Planning and Development Act 2000 (as amended) to make any further general submissions in relation to the appeal. The Section 131 request invited all participants to make general comments or observations on the application and the adoption of the new *Dublin City Development Plan 2022-2028* with specific reference to Appendix 3 of the plan – *Achieving Sustainable Compact Growth Policy for Density and Building Height in the City*. A total of 15 submissions were received in response and are summarised below.

1.5. The Commission also decided that further information was required to determine the appeal. A notice was sent to the applicant on the 19th March 2025 under Section 132 of the Planning and Development Act 2000 (as amended) and the applicant was requested to submit the following information;

- *A revised Daylight & Sunlight Report that includes an assessment of all rooms within the development;*
- *An assessment of all relevant legislation, policies or guidelines that came into effect since the original application was submitted, and,*
- *Updated Appropriate Assessment Statement to consider the North West Irish Sea SPA (Site Code 004236).*

1.6. A response was received from the applicant and in the interests of natural justice, the applicant's response was circulated to all parties to the appeal and further submissions were invited. A further 11 submissions were received, including a response from the planning authority. I note to the Commission that in this response to the Section 132, the applicant proposed a revised scheme that reduced the scale of the blocks. The revised proposal is described in detail in Section 6.0 of this report

and in the following sections. In summary the height of Block A would be reduced from 8 to 6 storeys, and Block B would be reduced from 6 to 5 storeys. This would result in a reduction of the originally proposed 99 units to 86 units. The separation distances between blocks at the northern end of the site and adjacent to existing development would be increased and the height of the blocks at this location would increase from 3 to 4 storeys. In the interests of clarity, I will refer this the revised scheme as the 'Section 132 scheme'. Third party responses included comments on the original scheme and the Section 132 scheme.

1.7. A second Section 132 notice was issued to the applicant on the 12th August 2025 to request;

- *Current information on the capacity and frequency of public transport serving the site.*

1.8. The applicant responded to this request and in the interests of natural justice, the response was circulated to all parties to the appeal and submissions were invited. Responses were received from the planning authority and 5 observers.

1.9. The contents and responses to the Section 132 request are summarised in the following sections. As the observations and submissions relate to similar issues, I have grouped the issues raised in the responses under headings instead of listing individual submissions for clarity and to avoid repetition.

2.0 Section 131 Responses

2.1. Applicants Response

2.1.1. A response to the initial Section 131 request was received from the applicant. The applicant notes that the 1st party appeal included a set of revised architectural drawings addressing concerns raised by the PA. The proposal submitted in the appeal comprises two Build to Rent, (BTR), apartment blocks (Block A and Block B) with revised elevational details that provide 'staggered' balconies and internal reconfiguration of units to increase daylight and sunlight to rooms. The number of apartments remain the same, but the mix of units was altered by introducing a direct link to the communal garden area from Block A which resulted in replacing a two-bed apartment with a one-bed apartment.

(I note to the Commission that a full description of the design evolution of the development is in Section 6.0 of this report).

2.1.2. The applicant submitted a review of current national and local planning policy as it relates to the proposed development and the subject site. As the proposal is for BTR development, the applicant notes that the Transitional Arrangements in the *Sustainable Urban Housing: Design Standards for New Apartments (2023)* apply. Therefore, the proposal can be assessed under the provisions of SPPR 7 and SPPR 8 of the 2020 Apartment Guidelines.

2.1.3. In terms of national policy, the applicant notes that since the application was lodged, planning policy has sought increasingly higher densities in appropriate locations. Reference is made to the Compact Settlements Guidelines and the First Revision of the National Planning Framework. Since the application was made, planning approval was also granted for the Bus Connects Swords to City Centre Corridor, (**ABP-317121-23**) which would improve public transport provision.

2.1.4. A review of the *Dublin City Development Plan (DCDP) 2022-2028* was carried out by the applicant. Variation No. 5 of the DCDP relates to BTR and adopts the transitional arrangements for BTR as per the 2023 Guidelines. Specific references to BTR developments are made in DCDP under Section 3.2 of Appendix 19, QHSN40(a).

2.1.5. The applicant presents an assessment of the proposed development against the provisions of the DCDP that relate to Building Height, Density Ranges, Build to Rent, Sunlight and Daylight, as well as any other matters that relate to the development or the subject site. A report on *Achieving Sustainable Compact Growth for Density & Building Height in the City* was prepared by the project architects and submitted with the Section 131 response. This report includes a detailed assessment of the project against the DCDP *Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale* (Table 3, Appendix 3 of the DCDP).

2.1.6. An overview of national, regional and local planning policy is contained in Section 9.0 of this report. The proposal will be assessed against the relevant policies and objectives as part of the de novo assessment. In the interests of brevity, I will not list all policies included in the applicant's response.

2.2. Planning Authority Response

2.2.1. A response was received from the planning authority (PA) on the 5th June 2025. As part of the Section 132 response, the applicant proposed changes to the scheme which include, a reduction in the height of the scheme by reducing Block A from 8 to 6 storeys and Block B from 6 to 5 storeys; a reduction in floor to floor heights to align with building height guidelines; an increased set-back along the northern boundary to mitigate overshadowing on Ellenfield Road; a reconfiguration of the housing mix to reflect the cessation of the Build-to-Rent provisions, and additional enhancements to the northern façade to address concerns raised during the planning process.

2.2.2. In their response, the PA acknowledge the proposed amendments. They note their decision to refuse permission for the development and the rationale for the decision which is set out in the planner's report. The PA invite the Commission to consider whether the amendments to the scheme sufficiently address the reasons for refusal.

2.2.3. A second response was received from the PA regarding the applicant's Section 132 response on public transport capacity. The PA note that a key consideration in the Public Transport Capacity Audit is the distance from the site to bus stops and the accessibility of the site to public transport in the context of National Guidance. Regarding distances to public transport, the PA considers it fair and equitable to select the centre of the site as a starting point for future residents. Routes to bus stops should also be calculated based on a route that has safe footpaths and controlled / uncontrolled crossings. Figure 3 of the Public Transport Capacity Audit (PTCA) shows a walking distance of 500m with an assumed crossing that doesn't exist. When a more reasonable route is applied the distance changes to 565m. Furthermore, Figure 4 of the Audit shows a route through the church grounds which are privately controlled and which could be subject to future closures. Routes should have 24-hour access and should not rely on private grounds or public parks where access can be restricted.

2.2.4. The PA have no issue with the times or dates of the surveys carried out for the PTCA. The PA also raise no issues regarding the analysis of existing and future public transport capacity.

2.3. Third Party Submissions

2.3.1. A total of 15 submissions were received on foot of the first Section131 notice. A further 11 valid responses were received following the circulation of a Section 131 notice, which was issued on receipt of the applicants first Section 132 response. The Commission received a response from the PA and from 5 observers to the applicant's second Section 132 response. As noted above, in the interest of brevity, I will group the issues raised in the submissions under separate headings rather than under each individual submission.

Excessive Scale, Height & Density

- Third parties object to the scale of the original proposal, in terms of its height and density. They consider it to be excessive for the site, and the 8-storey building would be out of character with the prevailing low-rise, two-storey development in the area. Overall, it would have a negative visual impact.
- Comments on the Section 132 proposal raised the same issues. Despite the reduction in height and scale to Beaumont Road, third parties still considered it to be excessive in height and density for the context of the site. Observations also noted that the height of the blocks to the rear of the site were increased, which they considered to be excessive in scale.
- The subject site is not identified as a location for a 'landmark building' in the DCDP and is not designated as a Strategic Development Regeneration Area (SDRA) or a Key Urban Village, which would allow for the consideration of increased height. Even with a reduction in height of 2 storeys, the building would be too high.
- The proposed density of 170 units per hectare, and 148 uph for the Section 132 proposal, is excessive and above the range of 60-120 units per hectare (uph) for the outer suburban site. Appendix 3 of the DCDP specifies that increased density should be within 500m of a bus stop or 1km of a light rail stop or rail station.

Impact on Residential Amenity

- Concerns were raised regarding the impact of the proposal on existing residential amenity. Submissions state that the proximity of the development

to houses on Beaumont Road and Ellenfield Road would result in overshadowing, overlooking, loss of daylight and would have an overbearing impact on these properties.

Existing Services

- Third parties note that the Dublin 9 area has been under significant development pressure in recent years which has resulted in additional demand for existing services which are at capacity. The additional demand on water and wastewater services was raised as a concern. Flooding was also mentioned.

Proposed Development Type

- Submissions question whether BTR development is acceptable within the Z1 zoning objective for the site. Development plan policy (Appendix 19 & QHSN41(a)) states that BTR accommodation will only be considered in specific circumstances, with a presumption against BTR schemes of less than 100 units unless a detailed justification is provided. Submissions state that there is a concentration of BTR accommodation in the area, which is contrary to Policy QHSN44(a).

Traffic & Parking

- The reduced level of parking for the development (0.4 spaces per unit) will result in overspill car parking in adjoining residential areas, which will be facilitated by the proposed connection to Ellenfield Road.
- Additional traffic will add to the existing traffic congestion and exacerbate the situation. Increased traffic and pedestrian movement could lead to conflict on between vehicles and pedestrians on Ellenfield Road. There is already pressure on parking in the area on match days and from sports clubs using the park.

Public Transport

- Third parties state that existing bus services are inadequate to cater for commuters. The information regarding the frequency of the 16 bus is incorrect as it is less frequent. Buses travelling in both directions are full in the morning with many services delayed or cancelled. The results of the Public Transport

Capacity Assessment (PCTA) submitted by the applicant are queried. Third parties are of the opinion that surveys carried out over the course of one day are inadequate and require a longer period for accurate results. Stated distances to bus stops are also queried and submissions note that one pedestrian route shown is through the Holy Child Church grounds, which are not open to the public in the evenings. The Swords QBC is c. 800m from the site and buses on this route are also under capacity pressure.

- Information in the PTCA regarding a bus route from Blanchardstown to Docklands from stop 234 is incorrect as no bus route exists. Serious and regular traffic congestion interferes with and reduces public transport capacity.

Connection to Ellenfield

- It is put forward that the proposed pedestrian connection to Ellenfield Road is unnecessary. Ellenfield Park is already well used and does not require additional access. There is a concern that the additional connection will result in an increase in anti-social behaviour due to increased movement through the area.

Legal Issues / Material Contravention

- Submissions question the legality of the applicant proposing amendments to the development under their response to a Section 132 notice. The changes proposed cannot be dealt with under the current appeal.
- It is put forward that the applicant failed to respond to the Section 132 request and instead used it to resubmit a revised scheme and to address the previous reasons for refusal. The applicant provided extensive documentation to assess the revised proposal against the new policies but has not provided sufficient documentation to assess the original scheme.
- One observer claims that work has already started on the site and existing structures have been demolished without planning permission and in breach of the Habitats Directive and EIA Directive. A photograph has been submitted with the observation.
- A NIS is required as a post-consent construction and waste management plan cannot be considered in AA Screening. EIA screening is also required.

In terms of compliance with the DCDP, submissions consider that the proposal has not demonstrated or does not comply with the following sections of the development plan;

- Section 15.7.1 of the DCDP requires a Demolition Justification Report, which was not provided even though the proposal involves the demolition of a house and a commercial building totalling 785sqm. This represents a material contravention of a mandatory requirement. Third parties refer to the ACP case 321593-25 where the Commission refused permission for a development where the demolition justification report was missing.
- The new development plan has specific requirements for BTR, (Sections 5.5.7 and 15.10) which the proposal does not comply with.
- The new DP changed the Z1 zoning objective of the site to 'Sustainable Residential Neighbourhoods'. The development must demonstrate compliance with Table 3 of Section of Appendix 3 of the DP.
- The proposed height of up to 8 storeys and the proposed density of 170 uph materially contravenes the development plan policies in terms of height and density and the mandatory performance criteria for buildings over 3 – 4 storeys in the outer suburbs in Table 3.
- The BTR proposal is contrary to the policies in Appendix 19. BTR schemes of less than 100 units are discouraged under QHSH41(a). It would be a material contravention to grant permission.
- The developer hasn't addressed the information required under QHSN42(a) which is a material contravention.
- The development materially contravenes policies QHSN39 to 41 in Appendix 19.
- The proposal fails to meet the requirements for daylight and sunlight that are set out in Objective 7 of Table 3, Appendix 3 and fails to meet the recommended standards in the BRE Guidelines.
- The proposal is not in accordance with Appendix 16 due to inadequate daylight for the scheme itself.

3.0 Section 132 Request

3.1. Section 132 notice was issued to the applicant on the 19th March 2025 requesting the following information -

- Revised Daylight- Sunlight Report that includes an assessment of all rooms in the development, not just a sample of rooms.
- An assessment of all relevant legislation, policies, or guidelines, that have come into effect since the original application was submitted.
- Updated Appropriate Assessment Statement to consider the North West Irish Sea SPA (Site Code 004236).

3.2. A 2nd Section 132 notice was issued to the applicant on the 12th August 2025 requesting the following –

- Current information in relation to the capacity and frequency of public transport serving the site.

4.0 Applicant's Response to Section 132

4.1.1. Two responses were received from the applicant following two separate Section 132 notices. The first response was received on the 8th April 2025 and the second response was received on the 30th October 2025. The first response from the applicant states that they have provided the information based on the scheme submitted at appeal stage, which involves internal and external amendments to the units and a change to the unit mix, (see Section 6.0 for a full description of the development). This response includes a planning report and review of all relevant legislation, policies and guidelines that have come into effect since the original application was made. The second response includes an Updated Report on Public Transport Capacity. Both responses are grouped together and summarised below. The applicant states that the accompanying reports assess development proposals submitted both at appeal stage and as part of the Section 132 response.

4.2. The following documents and reports are appended to the first response.

Appendix	Report
A	Revised Daylight- Sunlight Report for all rooms (99-unit scheme)
B	Revised Daylight- Sunlight Report for all rooms (86-unit scheme)
C	Updated Appropriate Assessment Statement to consider the North West Irish Sea SPA
D	Housing Quality Assessment
E	Schedule of Accommodation
F	Acoustic Report
G	Landscape Design Report
H	Operational Waste Management Plan
I	Operational Management Statement
J	Crime Prevention Officers Report
K	Engineering Report
L	Revised Architectural Design Statement (86-unit scheme)
M	Revised Urban Development & Building Heights report (86-unit scheme)
N	Additional Sustainable Compact Growth for Density & Height Report (86-unit scheme)
O	Additional Sustainable Compact Growth for Density & Height report (86-unit scheme)
P	Summary of Amendments

Daylight/Sunlight

4.2.1. In response to the first item in the Section 132 notice, a Revised Daylight / Sunlight Report for all rooms in the scheme submitted at appeal stage, (99 units) was submitted under Appendix A and a separate assessment of the revised scheme (86 units) is submitted under Appendix B. The original assessment was updated using the standards applied in the application which are BRE 209 (2011) and BS 8206. These standards apply the Average Daylight Factor (ADF) as a metric to measure how much daylight a room will receive.

4.2.2. I note to the Commission that the guidance in BRE 209 2011 and BS 8206 has been updated since the application was made. Both documents have been replaced with BRE 209 (2022) and BS EN 17037. Under the 2011 edition of BRE 209, internal daylight provision within proposed dwellings was commonly assessed using average daylight factor (ADF), with target values taken from BS 8206-2. With the third edition of BRE 209 (2022), ADF is no longer used as a measure of daylight provision within new dwellings. Instead, the guidance provides a choice between a target illuminance method and a target daylight factor method.

4.2.3. The applicant states that in the interest of continuity, the updated assessment applied the standards previously used in the original application. The revised assessment tested every room in the proposed development instead of extrapolating results from a sample which was the original approach. The results found that when Living/Kitchen/Dining (LKD) spaces are assessed as one whole room against a 1.5% target, 97% of the rooms achieve ADF above the BRE and BS 8206-2:2008 guidelines. When the same approach is applied to the rooms using a 2% target, 85% of the tested rooms achieve ADF above the BRE and BS 8206-2:2008 guidelines.

Appendix B provided a Daylight and Sunlight Report for all rooms in the revised, 86-unit scheme. The results found that scheme would have a 94% compliance rate across all blocks for daylight and a 76% compliance rate for sunlight to units. In terms of impact on adjoining properties, the report found that the 100% compliance rate was achieved for daylight to existing buildings in both the original (99 unit) scheme and the amended (86 unit) scheme. For sunlight to existing amenities, the compliance rate for the amended design is 100%, compared to 97% for the original scheme. Sunlight to proposed amenities would have a 95% compliance rate based on the amended scheme, compared to 89% compliance rate for the original scheme.

Updated Policy & Legislation

4.2.4. In terms of relevant legislation, policies, or guidelines, that have come into effect since the original application was submitted the applicant refers to the Apartment Guidelines, the *First Revision of the National Planning Framework*, the *Sustainable Residential Development and Compact Settlements Guidelines (2024)*, updated

guidance on Daylight and Sunlight and the provisions of the *Dublin City Development Plan 2022-2028.*

Apartment Guidelines

4.2.5. The applicant notes that the proposed development applies with the conditions for a transitional arrangement under the 2023 Apartment Guidelines, (Section 5.10). This section states that, *'All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that were subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the previous version of the Apartment Guidelines, that included SPPRs 7 and 8'*. Therefore, the proposal can be considered and decided in accordance with the Apartment Guidelines 2020, which included Specific Planning Policy Requirements that relate to BTR (SPPRs 7 and 8).

4.2.6. In terms of compliance with the Apartment Guidelines, the applicant states that, as the development was designed for the BTR market and the appeal was lodged on the 1st of July 2021, SPPR 7 and SPPR 8 of the Apartment Guidelines (2020) apply. The development proposed at appeal stage applies SPPR 8 regarding apartment mix. Revisions made to the scheme under the Section 132 notice mean that the scheme no longer relies on the concessions on unit mix in SPPR 8. As such the applicant is satisfied that the apartments are designed as standard apartments with required private open space, internal storage and bulky storage provided.

4.2.7. As required under SPPR 7, communal and recreational amenities are provided in addition to public, private and communal open space for use by residents. A multi-functional room for the use of residents is provided at ground floor level in Block B (263m2) and a concierge/management space is in Block A (21m2).

4.2.8. Car parking has been minimised in accordance with SPPR 8, and the development provides for car sharing.

National Planning Policy

4.2.9. The applicant notes that national housing policy adopted since the original application was lodged, (i.e. NPF First Revision and the Compact Settlements Guidelines) supports higher density development in appropriate locations. An

argument is put forward that the development is in accordance with the principles of national planning policy as it utilises a brownfield site in a residential area, is in proximity to a major employer and a university, on a key transport corridor and directly proximate to a public park. The submission also states that since the application/appeal was lodged planning approval for the Swords to City Centre Bus Connects Scheme was granted, which improves the accessibility of the site.

Dublin City Development Plan 2022-2028

4.2.10. The zoning objective for the site has not changed in the new development plan and remains Z1. BTR development is listed as 'open for consideration' in the Z1 zoning objective. The applicant considers the most important parts of the DCDP that relate to the proposal are those that address Building Height, Density, Build to Rent, Sunlight & Daylight and development management standards.

4.2.11. Building Height – The applicant references *Chapter 4 – Shape and Structure of the City (Policies SC14, SC16 and SC17)* and *Appendix 3*. The applicant provided a full assessment of the development against the criteria in Table 3 of Appendix 3 (for tall buildings). The 8-storey scheme is justified on the basis of the location of the site in proximity to a major employment centre and public transport, the urban nature of the site and the availability of services in the area, the transitional design approach to height where the buildings step down to address existing buildings and the improvements to permeability in the area which would promote active travel.

4.2.12. Under Appendix 3, the applicant submits that the Beaumont Road site would qualify as a 'key area' for development that includes buildings of between 5 and 8 storeys as it is within 500m of a bus stop and within the catchment of Bus Connects/core bus corridors.

4.2.13. An Urban Development and Building Heights Report was submitted under Appendix M of the submission. This report acknowledges that the site does not fall within a Strategic Development and Regeneration area as outlined in the DCC Development Plan and is not identified as a location for medium to tall buildings. However, the applicant seeks to justify the development on the basis that,

- the proposal supports the objectives and policies of the National Development Plan, National Planning Framework and the Building Height Guidelines,

- the development provides appropriate transitions in scale and separation distances,
- it will create a landmark and sense of character and will provide physical connections to the existing environment,
- community facilities at ground level will provide active frontage and engagement with the streetscape,
- the urban location, existing services and public transport make it suitable for additional density and height, and,
- it will add to the diversity of house typology in the area.

4.2.14. Density – Policies in the DCDP promote densities in accordance with the *Guidelines on Sustainable Residential Development in Urban Areas 2009*, or any amendment thereof. This guideline document has been replaced on adoption of the *Sustainable Residential Development and Compact Settlements Guidelines (2024)*. In the Compact Settlements Guidelines, the applicant considers the subject site to fall within the 'City Urban Neighbourhood' category, which allows for a density range of 50 to 250 dph (net). The proposed development would have a density of 170 uph, (148 uph in the reduced scheme).

4.2.15. The applicant considers the site to be an 'accessible location' as it is within 500m walking distance of a bus stop (with the pedestrian link proposed in the development), and within 600m of the QBC on the Swords Road (which is a core bus corridor). The site is also stated as 500m from the closest bus stop on the N4 route on Collins Avenue, where buses run every 10 minutes on most weekdays and 15 – 20 minutes over the weekend. (Figures 5 and 6 of the Planning Report show walking distances).

4.2.16. Although the applicant considers the stie to be an 'Urban Neighbourhood' in the CSG, Table 1 of Appendix 3 in the DCDP categorises the site as an 'Outer Suburb' where the net density range should generally be 60-120 uph. The applicant argues that the density range in the DCDP is a 'general rule' and the proposed density of 170 uph is not significantly higher than the stated range. It is submitted that the proposal can be accommodated without adverse impacts and, as the density range is stated as a 'general rule' any deviation from it is not a material contravention. If the

Commission consider the revised proposal, the density would be 148 uph. The development would have a plot ratio of 1.5 and a site coverage of c. 30% which are both within the recommended range of 1.0-2.5 plot ratio and 45-60% site coverage (DCDP Table 2, Appendix 3).

4.2.17. The applicant states that the development of a brownfield site in a residential area, close to services and public transport would help to consolidate development and help to deliver compact growth, which is in accordance with policies QHSN6 and SC11.

4.2.18. Build to Rent – The submission notes that Section 3.3 of Appendix 19 considers BTR development to be an integral part in achieving an appropriate mix of housing in the right locations. There is a presumption against the proliferation and over concentration of BTR development in any one location, as well as excessive derogation of standards relating to storage space, private amenity space and communal space as provided for by SPPR8. The applicant puts forward that the proposed development is in an ideal location to serve the employees of Beaumont Hospital and Dublin City University. The most recent proposal (i.e. the revised scheme of 86 units which is reduced in height) does not rely on SPPR8 regarding unit mix. In all other aspects the apartments are a standard design and comply with the storage, private amenity spaces and open space standards contained in the Apartment Guidelines.

4.2.19. Reference is made to policies QHSN40(a), QHSN41(a) QHSN42(a) and QHSN44(a) which are contained in Appendix 19 and relate to the typology, location, amenities and proliferation of BTR development.

4.2.20. Regarding QHSN40(a) – suitable locations, the applicant states that the policy does not preclude BTR outside of the stated areas of within 500m walking distance of significant employment locations, within 500m of major public transport interchanges and within identified Strategic Development Regeneration Areas (SDRAs). Furthermore, the site is within 500m walking distance of the entrance to Beaumont Hospital campus, which is a major source of employment and economic development (as per Policy CEE30 of the DCDP). There is easy access to the campus via the No. 14 bus which stops outside the subject site and the hospital campus and Route 104 which enters the campus. A new cycle lane will also be

provided along Beaumont Road to a new bus interchange at Beaumont campus under Bus Connects.

4.2.21. QHSN40(a) – presumption against 100% BTR in developments over 100 units; The proposal contains 99 apartments, and all units are designed as standard apartments in accordance with the Apartment Guidelines.

4.2.22. QHSN40(a) – presumption against proliferation of BTR in any one area - proposals should be accompanied by an assessment of other BTR developments within 1km. In terms of proliferation/over concentration of BTR development, the applicant submitted Table 1 which lists permitted BTR schemes in the surrounding area. No developments are listed within 1km of the subject site. Two developments are listed within 1.5km of the site, the Bonnington Hotel (1km) and Swiss Cottage (1.5km). A BTR Justification Report was also submitted with the application.

4.2.23. QHSN41(a) – to discourage BTR development schemes of less than 100 units, save for exceptional circumstances. The proposed development contains 99 apartments that meet the development criteria for 'standard apartments' in terms of internal space standards and private amenity space. The applicant notes that policy QHSN41(a) seeks to 'discourage' BTR development of less than 100 units but does not prohibit it.

4.2.24. QHSN42(a) – requires an evidence-based analysis of the appropriateness of the resident's support facilities. A letter from an Estate Agent was submitted stating that the proposed support facilities for residents are sufficient for the scale of the development. The applicant states that the scheme would integrate with the existing community through the proposed pedestrian connection to Ellenfield Road.

4.2.25. QHSN44(a) – avoid the proliferation of BTR developments. There is one BTR development within 1km of the subject site, Bonnington Hotel / Broomhill, which has 124 units. The Swiss Cottage BTR development is 1.5km away. Both developments are sufficiently distanced from the subject site to avoid proliferation or overconcentration in one area.

4.2.26. Development Management Standards – The applicant notes that, although Section 15.9.7 of the DCDP acknowledges that traditionally a minimum separation distance of 22m is required between opposing windows, reduced separation distances may be acceptable in certain circumstances. SPPR 1 of the CSGs states that the

minimum separation distance between directly opposing windows above first floor level shall be 16m. The applicant is satisfied that sufficient separation distance is provided between existing development and blocks A and B. There is a 19m separation distance between blocks A and B across a central open space.

4.2.27. The development would also have the requisite public open space (10%) and communal open space as detailed in Table 15-4 and Section 15.9.8 of the DCDP.

4.2.28. The applicant notes that there has been a significant change in the DCDP regarding car parking as the subject site is now in Zone 2, which allows for a maximum of 1 space per unit. In the previous DCDP the site was in Zone 3 which allowed for a maximum of 1 space per unit.

4.2.29. Cycle parking proposed for the scheme is in accordance with the DCDP (Table 1 of Annex 5).

Updated Appropriate Assessment

4.2.30. An Updated Appropriate Assessment Statement was prepared which included the North West Irish Sea SPA which was designated as a Natura 2000 site after the application was lodged. An NIS was carried out for two sites (North Bull Island SPA and North Dublin Bay SAC) which were identified in the screening exercise. The NIS concluded that, *'with the implementation of mitigation measures, there are not likely to be significant effects from the proposed development on the North Bull Island SPA or on the North Dublin Bay SAC, or any other European site, including the North West Irish Sea SPA, either alone or in combination with other plans or projects. This conclusion applies to the scheme for 99 dwellings as well as the scheme for 86 dwellings'.*

4.2.31. I note to the Commission that Appropriate Assessment will be dealt with under a separate heading in Section 14.0 of this report.

4.2.32. Public transport capacity – An Updated Report on Public Transport Capacity was prepared for the development. The report states that public transport serving the site is based on bus services operating on Beaumont Road, R103 Collins Avenue and R132 Swords Road. Beaumont Road supports local services serving Beaumont and Dublin Airport. Collins Avenue supports the N4 orbital bus route linking Blanchardstown to Docklands. The Swords Road QBC on the R132 is one of the

major bus corridors in Dublin serving Dublin Airport and Swords. Services on Beaumont Road will be replaced by Bus Connects 'D' Spine and services on Swords Road will be replaced by Bus Connects 'A' Spine.

4.2.33. The updated capacity report was informed by surveys carried out in October 2025 when schools and colleges were open. Bus routes passing the site are the No. 14 and the No. 16. On average there are 5 services per hour in both directions for each bus service. The report states that the site is 500m from the closest bus stop on Collins Avenue, which is served by the N4 orbital route and c. 650m from the QBC on the R132 Swords Road.

4.2.34. Surveys were carried out during the AM peak between 7.30 and 9.00 on Tuesday the 7th October. The results found that on inbound services on Beaumont Road, there was spare seated capacity ranging from 15 to 63 seats between 7.30 and 9am, which translates into 43% of seats filled and 57% of empty seats. On Collins Avenue the seats filled equated to 53% of the total seats on all buses surveyed and 47% of seats were empty. The Swords Road QBC has a greater number of bus services with 27 buses serving the stop between 7.30 and 9am. These buses were observed to be busier than the services at Beaumont Road and Collins Avenue with some buses having no spare capacity. The results found that for the QBC inbound services, 71% of seats were filled with 29% of total seat capacity available.

4.2.35. A population of 257 persons was projected in the survey based on an occupancy of 2.6 persons per unit. Future demand for services was based on up to 30% of residents using the bus for work or education, with 80% of these travelling southbound to the city centre and 20% northbound. The methodology assumed that of the 80% travelling southbound, 50% of these would travel during the AM peak of 8-9am. Based on these assumptions, the expected demand for southbound services during the AM peak is 31 persons. The survey concluded that the spare capacity is significantly more than the demand of the projected 31 passengers from the proposed development. The survey also notes that existing bus services will be improved by the implementation of Bus Connects.

5.0 Site Location and Description

5.1. The appeal site has a stated area of 0.58ha and is in the Whitehall / Beaumont area approximately 4.4km north of Dublin city centre, fronting onto a slip road off Beaumont Road and siding onto a tree-lined green verge along Beaumont Grove. The front and northeast side boundary are currently secured by a temporary security, while the remainder of the site is generally bounded by walls of varying heights. The surrounding area is primarily characterised by residential properties of varying eras, including two-storey semi-detached housing along Beaumont Road and Beaumont Grove, two-storey terraced housing along Ellenfield Road and Glencorp Road and three-storey apartment buildings along Grace Park Court. Ground levels on site generally drop in an easterly direction by approximately 1m over a 70m distance with a gradual drop in levels in a southeast direction in the surrounding area. At the time of the site visit, the site was vacant with no buildings in place.

6.0 Proposed Development

6.1. The proposed development would comprise the following elements:

- demolition and removal of a 12m stretch of block wall onto the roadside boundary with Ellenfield Road, felling of trees and clearing of the site;
- demolition and removal of a bungalow and outbuilding, as well as former commercial retail premises and associated storage buildings, with a stated total gross floor area (GFA) of 785sq.m;
- construction of a two to eight-storey apartment block (A) containing 58 apartments, and a three to six-storey apartment block (B) containing 41 apartments, with build-to-rent status and a gross floor area (GFA) of 8,498sq.m, served by balconies or terraces.
- The 99 apartments would comprise 66 one-bedroom, 30 two-bedroom and three three-bedroom units, concierge, bin store and bicycle store at ground-floor to block A, plant, bin store and communal amenity facilities / work hub at ground-floor to block B, bicycle store and plant area at basement level to block B and 40 car parking spaces at semi-basement level adjacent to Block B;

- vehicular and pedestrian entrance off the slip road to Beaumont Road, new pedestrian access off Ellenfield Road, landscaping works throughout, public open space (2,598sq.m), including central pedestrian link between blocks A and B, communal open space measuring a stated 647sq.m accommodating a children's play area, and a second-floor roof terrace to block A (60sq.m);
- sedum roofs, public lighting, back-lit 2m-high totem sign along the front slip road boundary, underground attenuation tank, connections to all local services and realignment or removal of several existing underground services;
- the proposed development would provide ten 'Part V' social housing units at first-floor level to block A.

6.1.1. Amendments to the scheme were proposed as part of the 1st Party appeal **(ABP-310709-21).** The amendments were proposed in response to issues raised by the PA regarding average daylight factor to some rooms and access to communal space.

6.1.2. The number of apartments remain the same, but the mix of units was altered by introducing a direct link to the communal garden area from Block A which resulted in replacing a two-bed apartment with a one-bed apartment.

6.1.3. Other changes included 'staggering' the balconies on the external elevations and reconfiguring the apartments to provide better sunlight/daylight penetration.

Section 132 Response -

- Additional amendments are proposed to the scheme as part of the reactivated appeal. The revisions include a reduction in the height of blocks A and B with a subsequent reduction in the number of apartments from 99 to 86.
- Development at the Beaumont Road part of the site would be reduced in height from 8 to 6 storeys at block A and from 6 to 5 storeys at block B. A reduction in the internal floor to floor heights in both blocks at ground floor level (from 4.3m to 3.375m) and at the upper floor level (from 3.3m to 3.075m)

would further reduce the height. The 2.7m floor to floor height for all other floors is maintained.

- The tallest part of block A would be reduced in height from 28.5m to 20.7m and the tallest part of block B would be reduced from 21.9m to 17.6m.
- The separation distances to the northern site boundary would be increased for both blocks. The main elevation of block B would be 9.4m instead of 2.6m and block A would be 7.6m instead of 3.4m.
- An increase in the height of both blocks facing onto Ellenfield Road is also proposed. They would increase from 3 to 4 storeys with an overall increase in height of approximately 1.2m, from 11.05m to 12.7m.
- The resulting mix of unit types would be 40 one-beds; 37 two-beds (4 person units) and 9 two-beds (3 person units).
- The overall density of the development would be reduced from 170 uph to 148 uph.
- Amendments have also been made to the northern façade to mitigate against concerns raised during the planning process.

7.0 Planning Authority Decision

7.1. Decision

The Planning Authority refused planning permission for the proposed development for two reasons, which are summarised as follows:

- Reason 1 – excessive height, scale and massing of the development and overbearing impacts of blocks A and B on nos.9 and 23b Ellenfield Road;
- Reason 2 – poor access to communal open space from block A and unsatisfactory daylight for a significant number of proposed rooms.

7.2. Planning Authority Reports

Planning Reports

7.2.1. The recommendation within the report of the Planning Officer (June 2021) reflects the decision of the Planning Authority and can be summarised as follows:

- the site was subject of pre-planning discussions for a strategic housing development;
- the principle of the proposed use relative to zoning objectives, as well as the removal of the vacant buildings on site, is acceptable;
- criteria set out under specific planning policy requirements (SPPRs) 1 and 3 of the Urban Development and Building Heights Guidelines for Planning Authorities (2020) are applicable;
- the height and density of the development relative to the proximity to public transport and the established two-storey context is questionable, and the scale would not positively contribute to the streetscape, despite the contemporary appearance proposed;
- the removal of the boundary onto Ellenfield Road would support increased permeability in the area;
- the apartment floor areas, internal rooms, storage areas, unit mix, block configuration (core and corridor access), building entrances and size of private amenity spaces comply with the standards,
- 52% dual aspect units are identified, although seven of the units in block A would not appear to be genuine dual aspect units;
- a lower standard of 1.5% average daylight factor (ADF) is used in the applicant's assessment without rationale for using same, while 18 of the 119 tested rooms fail to meet this target and compensatory measures have not been set out;
- the terraces to ground-floor apartments in block A would be compromised by noise and activity associated with public open space;
- queries arise regarding the use of the roof garden to block A, while the courtyard over podium level serving as the main communal open space for residents would not be directly accessible from block A;

- the public open space to the front and side of block A would not provide functional useable space, and the layout would result in a poor level of amenity for block A ground-floor residents;
- it would be preferable to maintain the group of Field Maple trees on the southeast corner;
- the development would provide 3sq.m of communal facilities per resident and childcare facilities within the area would adequately address any additional demand for these services. Further information would be necessary regarding the capacity of existing schools in the catchment;
- the Roads, Streets and Traffic Department require further information regarding traffic, the ratio of car parking proposed and the security details for cycle parking;
- undue overlooking would not arise, but the proposals would have an overbearing impact on nos.9 and 23b Ellenfield Road, due to the proximity and height of blocks A and B relative to these houses;
- impacts on natural lighting to neighbouring houses would be within international standards, although clearer evidence is required with respect to the availability of sunlight to open space;
- it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

7.2.2. Other Technical Reports

- Roads, Streets and Traffic Department – further information requested regarding car parking, car club / share space and cycle parking;
- Engineering Department (Drainage Division) – further information requested regarding surface water interception and the need for a minimum 3m separation distance from the surface water sewer that is proposed to be diverted;
- City Archaeologist – no objection, subject to a condition requiring monitoring, testing and the preservation of archaeology;

- Parks, Biodiversity and Landscape Services – reservations with respect to the quality of public open space, the ease of access from block A to the communal open space, the loss of trees, the absence of a full arboricultural survey accompanying the application, the need for 70% green roofs and levels of natural lighting to the public open space;
- Environmental Health Officer – conditions recommended regarding air and noise monitoring during demolition and construction and the need for a Construction Management Plan.

7.3. Prescribed Bodies

- Minister for Housing, Local Government and Heritage – no response;
- Irish Water – no response.

7.4. Third Party Observations

A total of 166 third-party observations were received by the Planning Authority during the consultation period for the application, all of which were submitted by residents of the appeal site area, local elected representatives and local residents' groups. The issues raised are similar to those raised in the observations to the grounds of appeal and they are collectively summarised in Section 12.3 of this report under the heading 'Observations'.

8.0 Planning History

Appeal Site -

314161-22 (PA Ref. 3881/22) – Planning permission refused for the demolition of dormer bungalow and clearance of all commercial buildings and structures on site and construction of two Build-to-Rent (BTR) apartment blocks (A & B); to contain a total of 99 apartments and communal facilities – including car- and bicycle-parking; and all associated site works. Permission was refused for two reasons which are summarised as follows,

- Reason 1 – the Commission considered that the height, scale, massing and proximity to neighbouring site boundaries would result in an overbearing impact on existing properties.
- Reason 2 – the development would result in a poor level of amenity for future residents due to a poor level of sunlight and daylight to units.

Strategic Housing Development (SHD) pre-application consultation meetings for a residential development on the site were undertaken between September 2020 and December 2020 under Dublin City Council (DCC) planning references (refs.) **PAC0059/20** and **PAC0090/20**.

PA Ref. 140/90 – Permission granted for a change of use from wholesale/storage use to retail storage and display area with provision for off-street, car parking and a new vehicular access off the lay-by adjoining Beaumont Road.

9.0 Policy Context

9.1. Development Plan

9.1.1. The **Dublin City Development Plan 2022 - 2028** (DCDP) is the current statutory plan for Dublin City, including the subject site.

9.1.2. The main policies/objectives that relate to the development proposal are set out below. This is not an exhaustive list and should not be read as such.

The Commission should consider inter alia the following:

Zoning - The appeal site and adjoining lands are zoned objective Z1 – 'Sustainable Residential Neighbourhoods', with a stated objective *'To protect, provide and improve residential amenities'*. 'Residential' use is listed as a 'Permissible Use' under the Z1 zoning objective.

Under **Variation 5** of the development plan (adopted in 2024), Build-to-Rent (BTR) development is removed as a distinct land use listed under 'Open for Consideration' uses within this zoning. Variation No. 5 included the addition of Appendix 19, which relates to BTR development. Appendix 19 states that, *'Build-To-Rent residential is*

open for consideration as a transitional arrangement only as set out in QHSN40(a) under Land Use Zoning Objectives Z1, Z2, Z4, Z5, Z10, Z12'.

Chapter 4 – Shape and Structure of the City

SC11 - Compact Growth - In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors, which will:

- enhance the urban form and spatial structure of the city;
- be appropriate to their context and respect the established character of the area;
- include due consideration of the protection of surrounding communities and provide for enhanced amenities for existing and future residents;
- be supported by a full range of social and community infrastructure such as schools, shops and recreational areas; and,
- have regard to the criteria set out in Chapter 15: Development Standards, including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture.

SC17 – Building Height - To protect and enhance the skyline of the city, and to ensure that all proposals with enhanced scale and height:

- follow a design led approach;
- include a masterplan for any site over 0.5ha (in accordance with the criteria for assessment set out in Appendix 3);
- make a positive contribution to the urban character of the city and that responds positively to the existing or emerging context;
- deliver vibrant and equitable neighbourhoods that are walkable, compact, green, accessible, mixed and balanced;
- Do not affect the safety of aircraft operations at Dublin Airport (including cranage); and
- have regard to the performance-based criteria set out in Appendix 3.

All new proposals in the inner city must demonstrate sensitivity to the historic city centre, the River Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas and civic spaces of local and citywide importance.

Chapter 15 – Development Standards

15.5.2 – Infill Development - Dublin City Council will require infill development:

- To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.
- To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.
- Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.
- In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.
- Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.
- **Table 15-4** indicates that there is a requirement for 10% of 'Z1' zoned lands that are to be developed, to be provided as meaningful public open space; although this can be addressed via contributions in lieu of a shortfall in certain circumstances.
- **Section 15.9.2** sets out minimum unit sizes. Reference is made to two bedroom (three-person) units comprising not more than 10% of the total of the overall unit mix. No minimum, floor area is given for such units.

15.8 – Residential Development –

15.8.6 – Public Open Space - The public open space requirement for residential developments shall be 10% of the overall site area.

15.9 – Apartment Standards – The Development Plan states that the SPPR's listed in the *Sustainable Urban Housing: Design Standards for New Apartments (December 2020)* or any future amendment thereof shall be considered in addition to specific requirements.

With regard to the issues raised in the appeal, the following standards are of relevance,

15.9.1 – Unit Mix – As per SPPR 1 of the Apartment Guidelines (2020) (since updated), Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.

15.9.8 - Communal Amenity Space - As per Appendix 1 and Section 4.10 to 4.12 of the Apartment Guidelines (2020). On refurbishment or infill sites of up to 0.25 ha, the communal amenity requirements may be relaxed on a case-by-case basis.

15.9.16.1 - Daylight and Sunlight – Methodology for the assessment is set out in Appendix 16.

Appendix 3 – Achieving Sustainable Compact Growth - contains the Height Strategy for the city as well as guidance on density, plot ratio and site coverage.

For the Outer City (Suburbs) heights of 3 to 4 storeys will be promoted as the minimum. Greater heights will be considered on a case-by-case basis, having regard in particular to the prevailing site context and character, physical and social infrastructure capacity, public transport capacity and compliance with all of the performance criteria set out in Table 3.

Table 1 – Density Ranges - Outer Suburbs – 60-20 uph.

Table 2 - Plot Ratio and Site Coverage –Outer Employment and Residential Area = 1.0-2.5 Indicative Plot Ratio / 45-60% Site Coverage.

Table 3 - Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale – Table 3 contains 10 objectives and performance criteria against which proposals for increased height and density will be assessed. They are-

1. To promote development with a sense of place and character.

2. To provide appropriate legibility.

3. To provide appropriate continuity and enclosure of streets and spaces.

4. To provide well connected, high quality and active public and communal spaces.

5. To provide high quality, attractive and useable private open spaces.

6. To promote mix of use and diversity of activities.

7. To ensure high quality and environmentally sustainable buildings.

8. To secure sustainable density, intensity at locations of high accessibility.

9. To protect historic environments from insensitive development.

10. To ensure appropriate management and maintenance.

Appendix 19 - Transitional Arrangements for Certain Development Proposals for or including Build-To-Rent Accommodation

Appendix 19 was adopted into the DCDP under Variation No. 5. It relates to BTR and adopts the transitional arrangements for BTR as per the 2023 Apartment Guidelines. Specific references to BTR developments are made in DCDP under Section 3.2 of appendix 19, QHSN40(a).

Under the transitional arrangements in the Apartment Guidelines 2023, all BTR proposals at formal application / appeal stage on or before 21st December 2022 shall be considered under the provisions of the 2020 Apartment Guidelines (SPPR 7 and SPPR 8).

Build-To-Rent residential is open for consideration as a transitional arrangement only as set out in QHSN40(a) under Land Use Zoning Objectives Z1, Z2, Z4, Z5, Z10, Z12.

Section 3 contains guidance on BTR accommodation and states that BTR accommodation shall only be concentrated in significant employment locations,

within 500m of major public transport interchanges and within identified Strategic Development Regeneration Areas.

In assessing the matter of overconcentration, the Planning authority will have regard to factors such as:

- the number and scale of other permitted and proposed BTR development in the vicinity (within a 1km radius) of the site,
- the household tenure and housing type of existing housing stock in the approximate vicinity (within a 1km radius) of the site,
- and the proximity of the proposal to high-capacity urban public transport stops and interchange (such as DART, Luas and BusConnects).

BTR schemes of less than 100 units will generally not be supported. The concept of Build to Rent requires a critical mass of accommodation to provide a meaningful provision of communal facilities and services. Smaller BTR schemes with less than 100 units will only be considered where it can be demonstrated that there is a strong need for the development and a detailed justification is provided.

It is the policy of Dublin City Council to -

QHSN40(a) - To facilitate the provision of Build to Rent (BTR) development proposals which, on or before 21st December 2022, were at formal application / appeal stage or at formal pre-application stage (as per paragraphs 5.10 and 5.11 of the 2023 apartment guidelines) in the following specific locations:

- Within 500 metre walking distance of significant employment locations,
- Within 500 metres of major public transport interchanges (e.g. Connolly Station, Tara Street Station and Heuston Station), and
- Within identified Strategic Development Regenerations Areas.

There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology… There will be a presumption against the proliferation and over concentration of BTR development in any one area. In this regard, applications for BTR developments should be accompanied by an assessment of other permitted and proposed BTR developments within a 1km radius of the site to demonstrate:

- that the development would not result in the overconcentration of one housing tenure in a particular area and take into account the location of the proposed BTR.
- how the development supports housing need, particularly with regard to tenure, unit size and accessibility with particular reference to the Dublin City Council Housing Need and Demand Assessment.

QHSN41(a) - To discourage BTR Accommodation schemes of less than 100 units due to the need to provide a critical mass of accommodation to provide a meaningful provision of communal facilities and services. Smaller BTR accommodation schemes with less than 100 units will only be considered in exceptional circumstances and where a detailed justification is provided.

QHSN42(a) - To foster community both within a BTR scheme and to encourage its integration into the existing community, the applicant will be requested to provide an evidenced based analysis that the proposed resident support facilities are appropriate to the intended rental market having regard to the scale and location of the proposal. The applicant must also demonstrate how the BTR scheme must contribute to the sustainable development of the broader community and neighbourhood.

QHSN44(a) - It is the policy of DCC to avoid the proliferation and concentration of clusters of build to rent development in any area of the city.

Section 3.3.2 addresses Design Standards and notes that SPPR7 of the Sustainable Urban Development Design Standards for New Apartments refers to the provision of resident support facilities (laundry, concierge, management facilities etc.) and resident services and amenities (sports facilities, resident lounge, function rooms, co-working spaces etc.). Whist the guidelines do not provide for a quantitative standard residential support facilities and resident services and amenities, a general guideline of 3 sq. m. per person is recommended and will be assessed on a case-by-case basis.

SPPR 8 of the Guidelines refers to specific relaxations that can be applied to BTR scheme and states that ‘flexibility can be applied to the provision of storage space, private amenity space and communal space within a scheme at the discretion of the

planning authority'. Section 3.3.2 states that '*There is a general presumption against excessive derogation of these requirements, in particular, private amenity space*'.

Dublin City Council will seek compliance with the relevant standards for storage, private and communal open space as set out in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments.

Section 3.3.3 relates to Communal and Public Open Space and states that all BTR developments will be required to provide for the same quantum of external communal open space and public open space as set out for standard apartment developments, see Section 15.6.12 and 15.8.6.

9.2. National/Regional Plans/Policies

9.2.1. National Planning Framework First Revision (2025) (NPF)

The NPF is the Government's strategic plan for shaping the future growth of the country to the year 2040. The framework contains a set of ten National Strategic Outcomes (NSOs) which include 'compact growth', 'sustainable mobility', 'transition to a carbon neutral and climate resilient society' and 'sustainable management of environmental resources'.

The first revision of the NPF was approved by Government in April 2025 and projects a population increase of an additional 1 million people in Ireland between 2022 and 2040. This would require a significant increase in housing needs, with the NPF anticipating an average of 50,000 new homes per year to 2040. An additional 470,000 people are anticipated for the Eastern and Midland Region between 2022 and 2040. Section 2.7 of the revised NPF states that an updated Implementation Roadmap will be published to translate national and regional planned growth projections to city and county levels.

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

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten-year National Development Plan (NDP) - and

the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

9.2.3. Climate Action Plan (CAP) 2025

This revision of the CAP builds on the previous 2024 CAP. It refines and updates the measures and actions required to deliver carbon budgets and sectoral emissions ceilings and provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050. The Commission is required to perform its functions in a manner consistent with the Climate & Low Carbon Development Act.

9.2.4. The National Biodiversity Action Plan (NBAP) 2023-2030

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local Level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, EIA Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

9.3. Section 28 Guidelines

9.3.1. Sustainable Urban Housing: Design Standards for New Apartments (2023)

These Guidelines replaced the Apartment Guidelines (2020). The 2023 guidelines removed the definition of BTR as a separate typology.

As a transitional arrangement, the provisions of SPPR 7 & SPPR 8 of the 2020 Guidelines remained in place for undecided applications or appeals in the system prior to the 21st of December 2021. As the subject application was lodged on the

12th of April 2021 and the appeal was lodged on the 1st of July 2021, the relevant guidelines are the 2020 Apartment Guidelines.

Section 5.0 of the 2023 Guidelines relates to the Build to Rent and Shared Accommodation / Co-living Sectors

Section 5.7-5.9 states that 'given the quanta of BTR development delivered and permitted to date there is no longer a planning rationale to have a BTR as a distinct development type for planning purposes'.

Under Transitional Arrangements, the Guidelines state that, *'All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that were subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the previous version of the Apartment Guidelines, that included SPPRs 7 and 8'.*

9.3.2. **Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2020**

Section 5.0 relates to Build to Rent and Shared Accommodation / Co-living Sectors

SPPR 7 relates to BTR development and states that BTR development must be:

(a) Described in the public notices associated with a planning application specifically as a 'Build-To-Rent' housing development that unambiguously categorises the project (or part of thereof) as a long-term rental housing scheme.

(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:

(i) Resident Support Facilities - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

(ii) Resident Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared

TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

Where the requirements of SPPR 7 are fulfilled, the proposed BTR development will be assessed under the planning criteria set out under **SPPR 8;**

SPPR 8 – For proposals that qualify as specific BTR development in accordance with SPPR 7:

(i) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;

(ii) Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development.

(iii) There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services.

(iv) The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes;

(v) The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations.

9.3.3. **Planning Design Standards for Apartments – Guidelines for Planning Authorities, 2025.**

These guidelines replaced the 2023 Apartment Guidelines and provide quantitative and qualitative standards for apartment development across a range of thresholds depending on the number of units proposed and the site's context. It also sets out SPPRs to be adhered to across a range of parameters. These guidelines do not apply to the subject proposal as they are not applied retrospectively.

As noted previously, the relevant guidelines for the subject appeal are the Apartment Guidelines 2020.

9.3.4. **Sustainable Residential Development and Compact Settlement Guidelines 2024** [Hereinafter the Compact Settlements Guidelines].

These Section 28 Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and support the application of densities that respond to settlement size and different contexts within each settlement type. In accordance with the principles contained in the NPF, the Guidelines seek to prioritise compact growth and a renewal of existing settlements. Section 3.3 of the Guidelines refers to Settlements, Area Types and Density Ranges.

Section 3.3.3 – Density - The subject site is categorised as a Suburban/Urban Extension in the City. It is a policy and objective of the Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extensions locations (defined in Table 3.8*).

*An 'accessible' location is defined as *'Lands within 500 metres (i.e. up to 5-6-minute walk) of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services'.*

- SPPR 1 – relates to separation distances between buildings and requires a minimum of 16 metres between opposing windows above ground level.
- SPPR 2 – sets out the minimum private open space standards for houses; 1 bed – 20sqm, 2 bed – 30sqm, 3 bed – 40sqm and 4bed + - 50sqm.
- SPPR 3 – relates to car parking standards. In city centres car parking should be minimised, substantially reduced or wholly eliminated. In accessible location (defined in Table 3.8) the maximum rate should be 1.5 car spaces per dwelling. In intermediate and peripheral locations (defined in Table 3.8) the maximum rate of car parking shall be 2 spaces per dwelling. (The subject site is categorised as a 'peripheral location').
- SPPR 4 – relates to cycle parking and storage facilities.

10.0 Natural Heritage Designations

10.1. The site is not within a Natural Heritage Site (NHA) or a proposed NHA (pNHA). The closest pNHA is Santry Demense pNHA (Site Code 000178) which is approximately 1.6km to the north-west of the site overland.

10.2. It is not within or directly adjoining a designated European Site. The nearest European sites; Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), comprise the following:

Table 1. Natural Heritage Designations

Site Code	Site Name	Distance	Direction
004024	South Dublin Bay and River Tolka Estuary SPA	2.7km	southeast
004006	North Bull Island SPA	4.5km	east
000206	North Dublin Bay SAC	4.5km	east
000210	South Dublin Bay SAC	5.6km	southeast
000199	Baldoyle Bay SAC	6.7km	east
004016	Baldoyle Bay SPA	7.2km	east
004236	*North West Irish Sea SPA	8.5km	east
000202	Howth Head SAC	9.3km	east
000205	Malahide Estuary SAC	8.6km	northeast
004025	Malahide Estuary SPA	8.6km	northeast
003000	Rockabill to Dalkey Island SAC	10.0km	east
004117	Ireland's Eye SPA	11.1km	east
002193	Ireland's Eye SAC	11.3km	east
004113	Howth Head Coast SPA	12.0km	east
000208	Rogerstown Estuary SAC	12.9km	northeast
004015	Rogerstown Estuary SPA	13.2km	northeast
004172	Dalkey Islands SPA	15.0km	southeast

*The North-West Irish Sea SPA was designated as a Natura 2000 site in 2023, after the application was lodged.

10.3. An Appropriate Assessment Screening Report and a NIS were prepared and submitted with the application. Updated versions were submitted in response to the Section 132 notice issued to the applicant. Section 14.0 of this report assessed the proposed development in terms of AA.

11.0 EIA Screening

11.1. To date the Commission have carried out a preliminary examination for environmental impact assessment for sub-threshold housing developments. On 27 July 2026, the High Court (Humphreys J) announced its intention to refer a question to the Court of Justice of the European Union regarding the EIA preliminary examination procedure ([2026] IEHC 517).

11.2. The question relates to the preliminary examination procedure set out in Article 109 of the Planning and Development Regulations 2001 (as amended). The intended question will ask the CJEU for clarity on whether the preliminary examination procedure set out in Article 109 is precluded by Article 4(3) of the EIA Directive.

11.3. The legal question will be determined by the European Court in due course. In response to the proposed reference to the CJEU, the Commission has decided that in relevant housing cases currently before the Commission, to seek Schedule 7A information through a Section 132 notice in order for a formal EIA Screening determination to be made.

11.4. In accordance with previous procedures, the proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in the Appendices of this report). The proposed development is not accompanied with Schedule 7A information, and I do not consider it appropriate to do so in this instance. This is due to the substantive issues raised regarding the scale of the development and the recommendation to refuse permission for the development in relation to matters unrelated to EIA. These issues for refusal and the recommendation are set out in detail in the following report. Sections 13.0 and 16.0 refer. Should the Commission disagree with my conclusion it is open to them to request Schedule 7A information through a Section 132 notice.

12.0 **The Appeal**

12.1. **Grounds of Appeal**

12.1.1. The applicant's responses to the Section 131 and Section 132 notices seek to justify the proposed scheme in relation to the provisions of the Dublin City Development Plan 2022-2028 which was adopted after the application and appeal were lodged.

12.1.2. The first-party grounds of appeal, which were accompanied by a revised set of architectural and landscape drawings, as well as a revised Daylight, Sunlight and Overshadowing Study, can be summarised as follows:

Process and Principles

- notwithstanding the extent of information provided with the planning application, as well as the various aspects of the development that the Planning Authority was satisfied with and did not object to, further information could have been requested;
- the Parks, Biodiversity and Landscape Services report was not available in preparing the appeal;
- the Board has the opportunity to allow for revisions to the scheme, as conditions in the event of a permission, and also to allow for another stage of public consultation;
- the revised scheme maintains the quantum of apartments, as well as building heights and footprints, although one of the two-bedroom apartments would be amended to form a one-bedroom apartment;
- the site would be suitable for a build-to-rent scheme, with this type of housing not available in the immediate area;
- a range of education, retail, sports/recreation and employment uses exist within approximately 1.2km of the site;

Building Height, Scale and Massing

- the site is only a 5-minute walk from bus route 14, which is a high-frequency service, and the density and height of the development would be acceptable in such circumstances;

- cycle times and routes to public transport should also be considered when considering the overall accessibility of the site for the subject development;
- maintaining a low-rise character to the area would not follow planning policy and the quality of the proposed development on a dilapidated fulcrum site would contribute positively to the character of the area;
- it is only the feature elements onto Beaumont Road that exceed the 16m Development Plan limitation, and the proposals can be permitted, as they meet the requirements of paragraph 3.2 of the Building Heights Guidelines;
- the new link through the site would improve access from residential areas northwest of the site connecting to the bus route along the slip road, as well as improving access to Ellenfield Park;
- distinct streets and a hierarchy of open spaces would be formed adding to the visual amenities of this area, which can absorb the development without impacting access to light;
- site coverage, plot ratio and building heights continue to comply with the relevant standards and guidelines;

Impacts on 9 and 23b Ellenfield Road

- the setbacks, heights and positioning of the proposed buildings, as well as the landscaping proposals, would ensure that the proposed development would not have substantially greater impacts on neighbouring properties when compared with the existing buildings and mature trees on site;
- the proposed development would improve the amenities of nos.9 and 23b and the Planning Authority has noted that overlooking would not be an issue from the balconies, nor would it be an issue from the amended balconies proposed in the revised scheme;

Open Space

- concerns with respect to open space could have been readily addressed in a further information response;
- a buffer can be provided fronting the terraces at ground floor to protect their amenity;

- the scheme has been amended to include replacing surplus area of public open space to the east side of the site with communal open space directly accessible from block A;
- while a contribution in lieu of a shortfall of public open space would be agreeable to the applicant, this would not be necessary given the extent of public open space proposed and the lighting that would be available to this space;

Average Daylight Factor to Apartments

- it was never the intention that the lighting standards for residential developments would be assessed on a pass/fail application basis;
- to improve lighting to the apartments, balconies have been staggered and apartment layouts have been amended with living room locations switched in the revised proposals;
- based on a worst-case scenario the testing of living/dining/kitchen rooms identified a substantive pass rate and where the 2% ADF requirement could not be met, mitigation measures are proposed in the form of large floor areas and communal spaces;

Support Services

- an engineering response is provided to address matters raised by both the Engineering Department and the Roads, Street and Traffic Department;
- schools capacity is not a requirement of paragraph 3.2 to the Building Heights Guidelines, and such information is not available to private individuals, although schools in the area have been noted to be advertising enrolment opportunities and demographic data points to declining enrolment numbers in the area;
- the ratio of car parking is similar to other recently permitted build-to-rent developments (ABP refs. 306987-20, Santry Place / Swiss Cottage, Swords Road and 306721-20, Bonnington Hotel, Swords Road) and the provision of 180 cycle parking spaces complies with the guidelines.

12.2. **Planning Authority Response**

12.2.1. The Planning Authority's response to the grounds of appeal notes the changes to the apartment mix and the staggering of balconies, as well as the absence of changes to the overall building height, the number of apartments and the building footprints. The Planning Authority wish to rely on their previous report in comprehensively justifying their original decision.

12.2.2. The Planning Authority responded to the Section 131 notice and to the applicant's response to the Section 132 notice. The responses are summarised in Section 2.0 and 3.0 of this report.

12.3. **Observations**

Observations were received from local residents, a residents' representative group and local-elected representatives. In conjunction with the third-party observations, the issues raised in these observations in relation to the proposed development can be collectively summarised as follows:

Development Principles

- the proposed development would be contrary to the proper planning and the sustainable development of the area and would contravene the zoning objectives for the site, while the building heights would breach Development Plan standards and Ministerial guidelines;
- alongside other permitted developments in the neighbouring area, the proposals would result in overdevelopment of the site with the proposed residential density excessive and unjustified for this area, which does not feature suitable support infrastructures, including public transport and employment;
- the height of the development is not justified by development of similar height in the area, and the proposed development would set a poor precedent for similar scale development;
- the loss of a public green space and a shop would be to the detriment of the area and a cinema, library, music venue, health facility or an alternative form of housing would be a more appropriate and welcome use for the site;

- the assessment of the Planning Authority failed to fully consider concerns raised by third parties and the grounds of appeal fail to fully address the reasons for refusal;

Housing Typology

- proposals are absent of affordable housing, whereas family housing would be a more preferable housing typology for the area in planning for long-term housing needs;
- build-to-rent is not an appropriate housing tenure model, as it leads to a transient population, high rents and does not address local housing needs;
- build-to-rent would not be suitable for the area due to the existing supply and its implications for first-time buyers and social housing;

Impacts on Residential Amenities

- proposals, including a rooftop terrace, would result in overlooking of neighbouring properties, which would lead to a loss of privacy for residents in the immediate and surrounding streets;
- buildings would impact on daylight and sunlight to surrounding properties via overshadowing and would lead to overbearing impacts for neighbouring residents;
- views from windows would be blocked and increased security risks would arise;

Design, Layout, Scale and Visual Impact

- proposals would introduce monolithic, incongruous and poor-quality buildings into the area, which are not in keeping with the appearance, scale, low-level building heights and the established residential character of the surrounding area and streetscapes;
- the applicant has overstated the necessity for a landmark building or a gateway development on this site, which in any event does not need to feature tall buildings;

- the development layout does not feature sufficient building setbacks and the proposals would not integrate with the surrounding neighbourhood and would have a negative impact on the visual amenities of the area;
- proposals include several extensive blank elevations, while balconies would be likely to be used for storage and clothes-drying purposes;
- the locations for the photomontages in the visual impact assessment are misrepresentative and have been selected to suit the applicant's case;

Residential Development Standards

- the size of the units would not be appropriate for family living;
- the balconies serving the units are undersized and the apartments would not provide a suitable level of amenity for future occupants;
- building energy ratings could be impacted by altering the levels of natural lighting to apartments;

Access, Traffic and Parking

- there is no need to remove the boundary onto Ellenfield Road and create a through link, as this would lead to anti-social behaviour and a change in the character and amenities of Ellenfield Road and the surrounding streets, while the need for permeability through the site has been overstated,
- the proposals feature a shortfall in car parking, including electric-vehicle charging and visitor spaces, and would lead to increased traffic congestion in the area, as well as overspill parking in surrounding streets;
- proposals would lead to increased traffic safety issues in the surrounding streets and at the location of the proposed vehicular entrance;
- the applicant's traffic assessment and Mobility Management Plan are inadequate and they have underestimated the distance to Dart rail services, as well as other public transport options in the vicinity, which do not have available capacity;
- the development would create a de facto gated community;

- the concerns of the Planning Authority with respect to the quality and provision of open space are reasonable;

Support Services

- the proposed development alongside other neighbouring developments would place significant pressure on local schools, commercial services, health services, amenities and environmental services, including water supply, which would not be capable of supporting the proposals;
- the applicant's schools and childcare capacity assessment does not adequately address the availability of these services;
- the applicant has provided an inaccurate portrayal of school places available;
- wastewater services in the area are pumped via pipes running through private properties to a main along Swords Road and clarity is required with respect to how wastewater would service the proposed development;

Construction Impacts

- proposals would potentially result in structural impacts for neighbouring properties as a result of the basement excavation works;
- the disturbance and disruption from the proposed site construction works, including noise and dust emissions, would impact negatively on neighbouring residents;

Environmental Matters

- proposals lack a landscape plan and trees on site have already been felled with a further loss of trees likely;
- proposals would impact on local ecology, biodiversity and neighbouring European sites, and a Natura Impact Statement should have been submitted;
- a watercourse that forms part of the River Wad catchment runs under the site and the development would present a flood risk;
- proposals would exacerbate light and other polluting emissions;

Other Matters

- details submitted with the application are misleading and inaccurate, including shadow diagrams, the site boundary, the application form details and the demolition proposals, while the submitted legal agreement is deficient;
- proposals would impact on property values in the area and contravene Article 1 of the Human Rights Act relating to the peaceful enjoyment of an individual's property;
- proposals would present increased security concerns for neighbouring residents and fire safety concerns;
- the applicant failed to consult or engage with the local communities.

13.0 **Assessment**

13.1.1. I consider the substantive issues arising from the grounds of appeal and the responses to the Section 131 and 132 notices, relate to the following:

- Principle of Development
- Procedural Matters
- Density
- Height
- Impact on Residential Amenity
- Future Residential Amenity
- Traffic & Transport
- Public Transport

13.2. **Principle of Development**

Zoning

13.2.1. The subject site is zoned objective *'Z1 – Sustainable Residential Neighbourhoods'*, which seeks 'To protect, provide and improve residential amenities'. Residential development in a residential zoning objective would generally be regarded as acceptable in principle. However, as the application is for Build to Rent (BTR)

development which is subject to its own development standards and planning policy which will be discussed below.

13.2.2. BTR development was defined as a separate residential typology in the 2018 Apartment Guidelines and was carried forward into the 2020 Apartment Guidelines. The 2020 Guidelines contained SPPR 7 and SPPR 8 which allow for variations in the development standards for BTR apartments. The Dublin City Development Plan 2022-2028 (DCDP) originally included specific policy regarding BTR development (Section 15.10). When the 2023 Apartment Guidelines removed the distinction for BTR as a separate typology with different standards, the DCDP was varied under Variation No. 5 to adopt the new provisions. As a transitional arrangement, the provisions of SPPR 7 & SPPR 8 of the 2020 Guidelines remained in place for undecided applications or appeals in the system prior to the 21st of December 2021. As the subject application was lodged on the 12th of April 2021 and the appeal was lodged on the 1st of July 2021, the relevant guidelines are the 2020 Apartment Guidelines.

13.2.3. Variation No. 5 of the DCDP includes Appendix 19 which contains specific policy for BTR development.

13.2.4. Build to Rent (BTR) development is defined as a separate land use in Appendix 15 of the DCDP, which states that BRT is, *'Purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord'.*

13.2.5. Under Variation 5 of the development plan, Build-to-Rent (BTR) development is removed as a distinct land use under 'Open for Consideration' uses within this zoning. Appendix 19 of the DCDP states that, *'Build-To-Rent residential is open for consideration as a transitional arrangement only as set out in QHSN40(a) under Land Use Zoning Objectives Z1, Z2, Z4, Z5, Z10, Z12'.* As the proposed development was lodged before the 21st of December 2022 it qualifies under the transitional arrangement provided in the 2023 Apartment Guidelines and is therefore open for consideration under the Z1 zoning.

13.2.6. Third parties submit that the zoning for the site has been changed in the new development plan and that the proposal is not in accordance with the new zoning and would represent a material contravention. The application site and the adjoining

developed lands were assigned a land-use zoning 'Z1' within the Dublin City Development Plan 2016-2022 for 'sustainable residential neighbourhoods', with a stated objective *'to protect, provide and improve residential amenities'*. I consider the principle and intent of the Z1 zoning in the new DCDP to be similar in nature to the previous development plan. As noted above, the DCDP allows for BTR development to be considered under the Z1 zoning objective. Therefore, I am satisfied that that the proposal does not materially contravene the zoning objective for the site.

Land Use

13.2.7. Whilst the BTR development can be considered under the zoning objective for the site, Appendix 19 of the DCCDP contains specific planning policies that relate to proposals for BTR developments. Policies QHSN40(a) – QHSN41(a) refer.

13.2.8. Policy QHSN40(a) seeks to facilitate BTR development in locations within 500m walking distance of significant employment locations, within 500m of major transport interchanges and within identified Strategic Development Regeneration Areas. This policy also states that there will be a general presumption against 100% BTR developments above 100 units and a minimum of 60% of units within a development must be designed as standard apartments. There will also be a presumption against the proliferation and over concentration of BTR development in any one area and an assessment of existing and permitted developments within 1km shall be provided.

13.2.9. Policy QHSN41(a) seeks to discourage BTR schemes of less than 100 units, with such schemes only considered in exceptional circumstances. Policies QHSN42(a) and QHSN44(a) seek to encourage integration of the scheme with the existing community and to prevent the proliferation of BTR development in any area of the city.

13.2.10. Third party submissions contend that the subject proposal does not accord with the provisions of Policies QHSN40 – 44 as the development is not located within 500m of a significant employment location or a major transport interchange and is not within a designated SDRA. Furthermore, the proposed development is less than 100 units and requires 'exceptional circumstances' for it to be permitted. Submissions also note the presence of similar BTR developments in the wider area which would lead to an over concentration or proliferation of type.

13.2.11. A BTR Justification Report was submitted with the application and was updated as part of the appeal to address the requirements of Appendix 19.

13.2.12. In response to Policy QHSN40(a) the applicant acknowledges that the site is not within an SDRA but argues that it is suitably located in terms of its proximity to Beaumont Hospital, which is recognised in the Development Plan as a major source of employment (Policy CEE30).

13.2.13. The response also states that the proposed development is less than 100 units, with all units designed in accordance with the standards in the Apartment Guidelines and is therefore indistinguishable as a separate typology.

13.2.14. A review of existing and permitted BTR developments in the wider area found that the closest permitted developments are c. 1km (Bonnington Hotel, 124 units) and c. 1.5km (Swiss Cottage, 120 units) from the site and on this basis the subject proposal would not result in a proliferation or over concentration of BTR development.

13.2.15. In terms of housing tenure and housing need, the applicant reviewed Census data and found that the area is dominated by housing that is mainly owner-occupied with only 18% of households in private rented accommodation. An additional 4% of households rented from the local authority or a housing body. The applicant submits that the Housing Needs Demand Assessment (HNDA) for the Development Plan (Appendix 1) forecasts a need for 27,219 households in the City area during the plan period, which includes 4,088 households (15%) in the private rented sector.

13.2.16. Regarding Policy QHSN41(a) the applicant argues that, firstly, the policy seeks only to 'discourage' but not prohibit BTR schemes of less than 100 units. As this is due to the need to provide a critical mass of accommodation to support a meaningful provision of communal facilities and services, the applicant has submitted a professional opinion from an Estate Agent on the facilities proposed. The opinion considers the proposed residents support facilities to be adequate for the size of the development. Additional communal facilities such as gyms are only in larger rental developments that can support them. Furthermore, the applicant notes that the development includes 288 sq. m. of resident's amenity space, which equates to 3sq. m. per person, which is in accordance with the guidance contained in SPPR 7 of the Apartment Guidelines and which is also stated in Section 3.3.2 of Appendix

19. I note to the Commission that the PA had no issue with the level of community/communal facilities proposed.

13.2.17. The applicant's response to Policy QHSN42(a) notes that the development was designed around the creation of a pedestrian/cycle link between Beaumont Road and Ellenfield Park which will enhance connections and reduce distances to bus routes on the Swords Road. The open route through the development will increase permeability in the area and access to the park. Blocks A and B would have active frontage to the street and landscaping would also enhance the streetscape.

13.2.18. Appendix 19 contains specific guidance on the circumstances whereby the PA consider BTR to be appropriate. In terms of location, the subject site is categorised as the Outer Suburbs and is not identified as an SDRA. However, in accordance with QHSN40(a), it is within 500m walking distance of Beaumont Hospital which is recognised as a major source of employment. I note the submissions of the third parties that the 500m distance relates to the entrance to the hospital campus and not to the buildings within. Notwithstanding the scale of the overall hospital campus, I consider it reasonable to argue that Beaumont Hospital is a significant employment location within 500m walking distance of the subject site for able bodied people. Furthermore, the site is served by bus stops on the Beaumont Road that stop at the hospital entrance. I note to the Commission that there are plans for improvements to public transport at the hospital under PA Ref. 3126/24 which would allow for a Bus Connects Bus Terminus with a cycle lane along Beaumont Road. The issue of public transport accessibility and capacity were raised as separate issues and will be addressed under a separate heading as part of the assessment. In terms of location, I am satisfied that the proposal is in accordance with the requirement of Policy QHSN40(a) as is within 500m of a significant employment location.

13.2.19. The subject development is for 99 units, or 86 units if the Commission accepts the revised proposal submitted under the Section 132 response. Although the policy states that there is a general presumption against BTR developments over 100 units with 100% rental units, the subject proposal is beneath this threshold. Whilst this is marginally under the 100-unit threshold for 100% BTR units, I note that all units have been designed in accordance with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments, December 2020, as updated.

Therefore, the development does not rely on the provisions of SPPR 8 of the 2020 Apartment Guidelines which allows for a relaxation of standards for dwelling mix, storage and amenity space. The Housing Quality Assessment submitted with the application demonstrates that all units meet and exceed the minimum standards for standard apartments in terms of floor area, private open space and storage.

13.2.20. Policy Objective QHSN40 also requires that there will be a presumption against the proliferation and over concentration of BTR development in any one area. In this regard, applications for BTR developments should be accompanied by an assessment of other permitted and proposed BTR developments within a 1km radius of the site. A BTR Justification Report accompanied the planning application to the PA and at the time of writing, the closest BTR permitted was 1km south of the site at the Bonnington Hotel now known as Broomhill. The Swiss Cottage BTR development is 1.5km from the application site adjacent to the Omni Shopping Centre Key Urban Village. The applicant updated the review for the appeal and submitted the following details for BTR developments within 2.5km of the site.

Table 1 – BTR Comparison*

	Development	Distance	No of Units	Internal Residents Amenity Floor Space	Average Residents Amenity Floor Space
1	Swiss Cottage	1.5km	120	393 sqm	3 sqm
2	Bonnington Hotel	1km	124	268 sqm	2 sqm
3	Former Chivers Site	2.5km	495	1,266.5 sqm	2.5 sqm
4	Holy Cross	2.5km	1,592	3,504 sqm	2.2 sqm
5	Malahide Road	c.4km	331	903 sqm	2.7 sqm
6	Clare Hall	c.4km	123	1,025 sqm	8 sqm
7	Redcourt Clontarf	c.4.3km	131	327.6 sqm	2.5 sqm

**Taken from the Applicant's Section 131 Response*

13.2.21. BTR applications are also required to demonstrate how the development supports housing need, particularly with regard to tenure, unit size and accessibility with particular reference to the Dublin City Council Housing Need and Demand Assessment (HNDA). The HNDA for Dublin City is contained within Annex 1 to Appendix 1 of the DCDP. The BTR Justification Report and the Section 132

Response provides an overview of the housing tenure and typology of the surrounding area based on Census information. The findings are outlined above and show a dominance of privately owned suburban-style housing. As no Housing Need and Demand Assessment (HDNA) has been carried out by the PA for the subject area, it is not possible to determine whether the units provided are exactly what is needed to serve the housing demand. However, given the character of the suburban area, and the results of the Census review, I consider it reasonable to conclude that the subject proposal will provide a housing typology and tenure that will add to the diversity of residential accommodation in the area. I am also satisfied that, based on the information provided, the proposal would not lead to a proliferation or overconcentration of BTR development in the area.

13.2.22. Based on the foregoing, I am satisfied that the proposal is in accordance with Policy QHSN40(a) as the development is within 500m walking distance of a significant employment location, does not meet the threshold of 100 units + of dedicated BTR units, would not result in the over concentration of one housing tenure in the area and would support a diversity of housing typology and tenure in accordance with the HDNA in the DCDP. Therefore, I do not consider that the subject proposal materially contravenes Policy QHSN40(a).

13.2.23. Policy QHSN41(a) seeks to discourage BTR schemes of less than 100 units in order to provide a critical mass of population for communal facilities. Such schemes will only be considered in exceptional circumstances and where detailed justification is provided. At 99, and 86, units the proposal is marginally below the threshold and would therefore be discouraged, save for exceptional circumstances and with a detailed justification. The Development Plan does not provide a definition for 'exceptional circumstances.' As previously noted, the application was accompanied with a BTR Justification Report, which is supplemented by the applicant's response to the Section 132 request. The justification for the development relies on the location of the brownfield site, its proximity to public transport (existing and proposed), a mobility management plan to justify reduced car parking, the proximity to the significant employment centre of Beaumont Hospital and the availability of existing services in the urban area. Although the prevailing conditions for the urban site may not be 'exceptional' in nature, I am satisfied that a detailed justification has been provided in support of the development.

13.2.24. The size restriction in the policy seems to hinge on the concern that smaller developments, which rely on the relaxation of standards, may not have the critical mass to support the communal facilities required in lieu of private open space or similar design standards. I would agree with the opinion of the applicant that 99 units is not a material shortfall to the 100-unit threshold and that the absence of 1 unit would not significantly impact on the ability of the development to sustain the communal 'resident support facilities' and 'resident services and amenities' as proposed. I also note that all units within the development have been designed in accordance with the development standards for 'general' apartments as per the Apartment Guidelines. Therefore, the proposal is not relying on the provisions of SPPR 8 and the relaxation of standards for BTR units. The applicant also provided a letter from Colliers Estate Agents, which states that the residents support facilities proposed are adequate for the size of development proposed and that more intensive forms of communal facilities such as gyms are only in larger rental developments that can support the additional expense. Based on the foregoing information I am satisfied that the provision of 99 BTR apartment units has been justified in this case and does not conflict with Policy QHSN41(a).

13.2.25. In terms of material contravention, I consider the wording of Policy QHSN41(a) to be non-prescriptive in nature. The policy seeks to 'discourage' BTR schemes of less than 100 units save for 'exceptional circumstances and where a detailed justification is provided'. I agree with the applicant that the policy does not prohibit BTR development and seeks only to 'discourage' it. Furthermore, the policy does not define what 'exceptional circumstances' are or what could qualify as such circumstances. In the absence of such a definition, I am satisfied that the provision of a detailed justification can be accepted as compliance with this policy. As the wording of the policy is non-prescriptive and the applicant has submitted a detailed justification, I am satisfied that Policy QHSN41(a) has not been materially contravened.

13.2.26. Policy QHSN42(a) seeks to foster community within a BTR scheme and to encourage its integration into the community. To this end the policy requires the demonstration of appropriate facilities within the development and how the scheme contributes to the sustainable development of the wider community and area. The development has c. 288 sq. m of communal space for residents in the form of a

concierge/post room, multifunctional room and workspace. The quantum of amenity equates to c. 3 q. m per unit, which the applicant argues, is in accordance with Development Plan policy. However, Section 3.3.2 of Appendix 19 recommends a general guideline of 3 sq. m of resident support facilities per person rather than per unit. The applicant also argues that the quantum of amenity space per unit is comparable to that provided in previously permitted BTR developments. See Table 1 above. Whilst the applicant is correct in their analysis, I note that the previously permitted developments were permitted under the previous Development Plan. I also note that the quantitative figure stated is a 'general guideline' and is therefore not prescriptive. As noted previously, the application and BTR Justification Report included a letter from Colliers Estate Agents stating that the quantum of amenity space for residents was in accordance with the requirements for a rental development of its scale.

13.2.27. In addition to the 288 sq. m. internal space, the development also has 647 sq. m of communal open space provided in the form of a podium garden to the rear of Block B and a communal terrace to the front of the resident's/community room. Residents of Block A have access to a garden of c. 783 sq. m to the rear and side of the block.

13.2.28. Based on the 2020 Apartment Guidelines, the development would require 562 sq. m. communal open space. Development Plan standards for public open space would require an additional 580 sq. m of public open space, (i.e. 10% of the overall site area). Details submitted with the application show a total of 2,598 sq. m public open space throughout the development.

13.2.29. The Section 132 proposal for 86 units would have c. 271 sq. m of community facilities / work hub at ground floor level in Block B. It would also have 1,432sq. m communal open space and 1243 sq. m public open space, (i.e. 21% of the site area).

13.2.30. I am satisfied that the residential amenity spaces would provide an acceptable level of amenity for future residents and that the applicant has provided an evidenced based analysis that the proposed resident support facilities are appropriate to the intended rental market having regard to the scale and location of the proposal. As noted previously the apartments have been designed in accordance with the development standards and requirements for 'general

apartments' and as such do not rely on the relaxation of standards allowed for in SPPR 7 and SPPR 8 of the 2020 Apartment Guidelines. Communal and public open space would also be provided in accordance with Development Plan standards. All units would have private open space in the form of balconies or terraces which would be in accordance with standard requirements for apartments.

13.2.31. Policy QHSN42(a) also requires that it is demonstrated how the scheme will integrate into the surrounding community. The proposed development has been designed around the creation of a pedestrian/cycle link between Beaumont Road and Ellenfield Park via Ellenfield Road. This connection would increase permeability in the area and decrease walking times to public transport routes on Swords Road. Communal rooms would face onto the internal street and would provide an active frontage to the new street which will be landscaped. In terms of integrating with the existing community, I consider the physical connections proposed to be the primary mechanism for integration. I note the objections of existing residents to the proposed connection, and this will be addressed further in the assessment under a separate heading. It may be possible to open the communal space for wider community use, but this is a matter for the future management company of the scheme. Based on the foregoing, I am satisfied that the applicant has provided an evidence-based analysis to support the proposed community facilities and has demonstrated how the scheme would contribute to the sustainable development of the wider community. (increasing connections / permeability and links to public transport). Therefore, the proposal is in accordance with Policy QHSN42(a) and would not materially contravene this policy.

13.2.32. Policy QHSN44(a) seeks to avoid the proliferation and concentration of clusters of build to rent development in any area of the city. I am satisfied that the information submitted by the applicant (see Table No. 1 above) demonstrates that the subject proposal would not result in a proliferation or over concentration of BTR developments within the area. Information submitted in the BTR Justification Report for the application, found that the closest permitted BTR developments were at the Bonnington Hotel now known as Broomhill which is 1km south of the site, and at and the Swiss Cottage development approximately 1.5km from the application site and adjacent to the Omni Shopping Centre Key Urban Village. There are no BTR developments within 1km of the subject site. Given the urban nature of the site and

its proximity to large employment generators, I am satisfied that the proposal would not result in a proliferation and over-concentration of build to rent development in the area. Therefore, the proposal would not materially contravene Policy QHSN44(a) of Appendix 19 of the DCDP.

13.3. Procedural Matters

Unauthorised Development

13.3.1. The development description includes the demolition and clearance of all structures on the site. A third-party submission states that buildings have been demolished / removed from the site without the benefit of planning permission. There were no buildings on site on day of site inspection. Enforcement of the Planning Act is a function of the PA and is not a matter for the Commission to consider in their assessment of the appeal. The removal of these buildings on site is a matter for the Local Authority.

13.3.2. Third parties submit that Section 15.7.1 of the DCDP requires the submission of a Demolition Justification Report where demolition is proposed. In the absence of this report, observers put forward that the proposal materially contravenes Section 15.7.1 of the DCDP. The original application does not include a specific report justifying the demolition works and was not required to do so as the time. As mentioned above, there are no buildings in place on the site. Should permission be granted for the development, no demolition works would be required. Therefore, a Demolition Justification Report is not required and I do not consider its absence to materially contravene Section 15.7.1 of the DCDP.

13.3.3. Table 15.1 of Chapter 15 of the DCDP sets out the reports to be included in specific applications and does not include a demolition justification report. The applicant has reviewed Table 15.1 and has provided a comparison of the information provided with the application and the information required in the table. It is of note that the original application included a Construction Demolition and Waste Management Plan. Should the Commission consider that the absence of a Demolition Justification Plan represents a material contravention of Section 15.7.1, they should not be constrained by the provisions of Section 37(2)(b) of the Planning Acts. I consider the provisions of Section 37(2)(b)(iii) can be applied in this instance as they relate to

circumstances where, '*there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned.*'

Section 132 Proposal

13.3.4. As noted in Section 6.0 above, the applicant submitted a revised proposal at appeal stage to address the reasons for refusal. A further proposal for 86 units was submitted under the Section 132 notice for the consideration of the Commission. A third-party submission questioned the legality of submitting a revised proposal under a response to a Section 132 notice as the revisions were not part of the request. The third party asserts that the unsolicited amendments represent an overreach of the notice which is designed to allow the Commission to request information that they deem necessary for the purpose of enabling it to determine an appeal or referral.

13.3.5. The applicant responded to the Section 132 notice by providing the requested information based on the scheme as submitted to the Commission at appeal stage, (i.e. 99 units). In addition to this, the applicant submitted revised drawings for the development which reduces its scale, mass and bulk. This would be achieved by reducing the tallest part of the development from 8 and 6 storeys to 6 and 5 storeys, with a subsequent reduction in the number of units to 86 apartments (40 x 1-bed, 37 x 2-bed (4 person) and 9 x 2-bed (3 person). The applicant argues that the revised scheme would present a higher level of compliance with current legislation, policies and guidelines and requests that the Commission consider attaching a condition to a grant of permission that the development be undertaken in accordance with the revisions to the scheme put forward in response to the Section 132 notice.

13.3.6. A third-party submission questioned the legality of the applicant's revised proposal as it was unsolicited and did not form part of the Section 132 notice. Section 132 of the Planning and Development Act 2000 (as amended) is silent as to whether unsolicited information can be considered as part of the appeal. I note that the appeal documentation amended the original proposal by providing improved access to open space, changing the location of balconies with a resulting change in the unit mix in the proposal. The Section 132 amendments are significantly greater than those proposed as part of the appeal and, in my view, represent a material change to that originally advertised in the public notices.

13.3.7. Although the applicant was not requested to submit a revised proposal for the development, an argument could be made that the reduction in the height would reduce certain impacts of the proposal within the context of the site. However, whilst the height was reduced in the part of the development closest to Beaumont Road, the proposal includes an increased separation distance between the northern elevation and the site boundary and an increase from 3 to 4 storeys at this location. The additional storey would result in an overall increase in height of approximately 1.2m, which the applicant argues is off set by the increase in separation distance between the proposal and existing housing. Notwithstanding the reduction in height at the southern part of the development, I consider the changes proposed to the northern part of the development to be a material change to the original proposal. Whilst this proposal was circulated to all original parties to the appeal under a Section 131 notice, due to the passage of time and in the interest of natural justice, the Section 132 changes would warrant a wider public consultation. However, as the Commission may not agree with this opinion, and in the interest of completeness, I will include both options in my overall assessment of the appeal.

13.4. **Density and Height**

13.4.1. The height and density of the proposed development are intrinsically linked. Development plan policy on height and density is also interconnected as Appendix 3 of the DCDP contains assessment criteria that apply to both.

13.4.2. The proposed development of 99 units would have a density of 171 units per hectare (uph). The Section 132 scheme of 86 units would have a density of 148 uph. In the consideration of suitable density for the site the relevant planning policies are contained in the DCDP and the Compact Settlements Guidelines.

13.4.3. City-wide planning policy in relation to density and height is set out in Chapters 4, 5 and 15 of the DCDP and in Appendix 3 of the DCDP. Policy SC11 of Chapter 4 seeks to *'promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors…',* subject to the criteria contained in Chapter 15. Appendix 3 sets out specific guidance regarding the appropriate locations where enhanced

density and scale including increased height will be promoted and outlines the performance criteria for the assessment of such development.

13.4.4. Table 1 of Appendix 3 of the DCDP contain density ranges that will be supported, 'as a general rule', for different areas in the city. The prevailing character of the area surrounding the site is of two-storey houses with some three storey apartments developments close to the stie. According to Table 1 the appeal site is categorised as an *'Outer Suburb*' where the net density range (units per hectare) should generally be 60-120. Both schemes would have a density that is significantly higher than the recommended range, (i.e. 171 uph and 148 uph). Appendix 3 acknowledges that increased density is often coupled with higher buildings and goes on to state that "*where a scheme proposes buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply*". Table 3 contains 10 objectives, each with a bullet-point list of assessment criteria. An assessment of the development against this table is provided below in Table 2.

13.4.5. Section 4 of Appendix 3 states that the general principle is to support increased height and higher density schemes in the city centre, Strategic Development Regeneration Areas, Key Urban Villages, areas close to high frequency public transport and some other areas (as identified) considered as suitable for increased intensity of development. A list of key criteria for all proposals with increased urban scale and height is provided. Regarding the location of such proposals the criteria include

- proximity to high-quality public transport, including key public transport interchanges or nodes;
- proximity to a range of employment, services and facilities and
- the availability of good walking, cycling and public transport infrastructure.

13.4.6. There is a recognised scope for height intensification and the provision of higher densities at designated public transport stations and within the catchment areas of major public transport corridors which include, Bus connects/Core Bus Corridors (CBC's). In terms of public transport corridors, Section 4 of Appendix 3 states that *'Development proposals will primarily be determined by reference to the proximity of new public transport infrastructure and to the area character. Locations for*

intensification must have reasonable access to the nearest public transport stop. In line with national guidance, higher densities will be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station in the plan.'

13.4.7. The subject site is not in the areas listed as 'key locations' for increased scale and height. However, it is within 500m of a bus stop and within 800m of the Swords Road Bus Corridor and future Bus Connects corridor. As the proposed development would be significantly higher and denser than the prevailing context an assessment against the criteria of Table 3 will be carried out. I note to the Commission that in their response to the Section 132 request, the applicant submitted *Appendix N, Achieving Sustainable Compact Growth for Density & Building Height*, which provides a detailed review of the performance criteria in Table 3 as they relate to the proposed development. As the detailed document is part of the public file, I do not intend to replicate the information submitted by the applicant in my assessment. Instead, I will carry out an abridged assessment of the criteria in the interest of brevity. See Table 2 below.

Table 2 – Performance Criteria contained in Table 3, Appendix 3

Objective	Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale.	Assessment
1. To promote development with a sense of place and character.	Enhanced density and scale should: • respect and/or complement existing and established surrounding urban structure, character and local context, scale and built and natural heritage and have regard to any development constraints, • have a positive impact on the local community and environment and contribute to 'healthy placemaking', • create a distinctive design and add to and enhance the quality design of the area, • be appropriately located in highly accessible places of greater activity and land use intensity, • have sufficient variety in scale and form and have an appropriate transition in scale to the boundaries of a site/adjacent development in an established area, • not be monolithic and should have a well-considered design response that avoids long slab blocks, • ensure that setback floors are appropriately scaled and designed.	• The development is on a brownfield site in an urban area. The prevailing character is suburban residential with schools, parks and neighbourhood centres in proximity to the site. The proposal has been designed to respond to the site. Its contemporary design is a diversion in character and will be subject to further assessment. • It would contribute to 'placemaking' by providing physical connections and increasing permeability; by utilising a brownfield site and by enhancing the landscaping and streetscape. • The design has been well considered. • The site is located on Beaumont Road and is near the Swords Road, both of which have access to bus stops and public transport. It is also 500m to Beaumont Hospital and cc. 1.6km to DCU. • Buildings have been designed to provide transitions of scale to existing two-storey development.

		• The proposal is not monolithic and set back floors have been provided.
2. To provide appropriate legibility.	Enhanced density and scale should: • make a positive contribution to legibility in an area in a cohesive manner, • reflect and reinforce the role and function of streets and places and enhance permeability.	• The development has been designed to provide physical links through the site from Ellenfield Road to Beaumont Road which will enhance legibility and permeability. It also has access to a range of bus routes on Beaumont Road and Swords Road. • The site has an area of 0.58ha which allows for the development to create its own character.
3. To provide appropriate continuity and enclosure of streets and spaces.	Enhanced density and scale should: • enhance the urban design context for public spaces and key thoroughfares, • provide appropriate level of enclosure to streets and spaces, • not produce canyons of excessive scale and overbearing of streets and spaces, • generally, be within a human scale and provide an appropriate street width to building height ratio of 1:1.5 – 1:3, • provide adequate passive surveillance and sufficient doors, entrances and active uses to generate street level activity, animation and visual interest.	• The scheme has been designed in accordance with the principles of urban design and includes a public plaza and pedestrian link through the centre of the site, which is flanked by buildings that transition in scale and that are appropriately animated. • The Architectural Design Statement describes the application of and an appropriate width to height ratio for the street and buildings. • Landscaping has been designed to allow access for all. The open spaces will be overlooked with the internal community spaces overlooking the public areas.

4. To provide well connected, high quality and active public and communal spaces.	Enhanced density and scale should: • integrate into and enhance the public realm and prioritise pedestrians, cyclists and public transport, • be appropriately scaled and distanced to provide appropriate enclosure/exposure to public and communal spaces, particularly to residential courtyards, • ensure adequate sunlight and daylight penetration to public spaces and communal areas is received throughout the year to ensure that they are useable and can support outdoor recreation, amenity and other activities – see Appendix 16, • ensure the use of the perimeter block is not compromised and that it utilised as an important typology that can include courtyards for residential development, • ensure that potential negative microclimatic effects (particularly wind impacts) are avoided and or mitigated, • provide for people friendly streets and spaces and prioritise street accessibility for persons with a disability.	• The central spine and route though the site are pedestrianised and landscaped. Cycle parking would be provided at accessible locations, and car parking would be segregated and hidden from view under the podium garden. • Public spaces would have sufficient daylight with appropriate landscaping. The scale and design of the proposal would prevent microclimatic effects. • The pedestrian/bicycle plaza link will be for pedestrian and bicycle use only and will increase connectivity within this area – particularly to Ellenfield Park and bus services on the Swords Road.
5. To provide high quality, attractive and useable private spaces.	Enhanced density and scale should: • not compromise the provision of high-quality private outdoor space, ensure that private space is usable, safe, accessible and inviting,	• Each unit would have its own private outdoor space in the form of a private balcony. All open spaces would be physically accessible to all, universally accessible and secure. • A Daylight & Sunlight Assessment was submitted in response to the Section 132 request. The assessment

	• ensure windows of residential units receive reasonable levels of natural light, particularly to the windows of residential units within courtyards – see Appendix 16, • assess the microclimatic effects to mitigate and avoid negative impacts, • retain reasonable levels of overlooking and privacy in residential and mixed-use development.	found that 85% of rooms tested would achieve Average Daylight Factors above BRE guidelines with a 2% target. (Daylight and Sunlight to the development will be assessed in full under a separate heading further in the assessment). • Microclimatic effects are not anticipated as balconies have been designed to respond to exposure through staggering and recessing the spaces. • Balconies are positioned in such a way that residents have an oblique or angled view into neighbouring units, avoiding direct sightlines into other balconies.
6. To promote mix of use and diversity of activities.	Enhanced density and scale should: • promote the delivery of mixed-use development including housing, commercial and employment development as well as social and community infrastructure, • contribute positively to the formation of a 'sustainable urban neighbourhood', • include a mix of building and dwelling typologies in the neighbourhood, • provide for residential development, with a range of housing typologies suited to different stages of the life cycle.	• Having regard to the BTR nature of the development and to the limited size of the site, there is no mix-of-use within the scheme. The area is zoned for residential use only. There are shops and services available within easy walking distance (0.2km) beside the Beaumont House pub. • Additional physical connections would be provided by the development which would increase permeability. • The apartment typology would diversify the prevailing character of housing in the area and provide a diversity in tenure type.

7. To ensure high-quality and environmentally sustainable buildings.	Enhanced density and scale should: • be carefully modulated and orientated so as to maximise access to natural daylight, ventilation, privacy, noise and views to minimise overshadowing and loss of light – see Appendix 16, • not compromise the ability of existing or proposed buildings and nearby buildings to achieve passive solar gain, • ensure a degree of physical building adaptability as well as internal flexibility in design and layout, • ensure that the scale of plant at roof level is minimised and have suitable finish or screening so that it is discreet and unobtrusive, • maximise the number of homes enjoying dual aspect, to optimise passive solar gain, achieve cross ventilation and for reasons of good street frontage, • be constructed of the highest quality materials and robust construction methodologies, (compliance with Building Regs) • incorporate appropriate sustainable technologies, be energy efficient and climate resilient, (Compliance with Building Regs). • apply appropriate quantitative approaches to assessing daylighting and sun lighting proposals. In exceptional circumstances compensatory design solutions may be allowed for where the meeting of sun lighting and	• A Daylight & Sunlight Assessment was carried out for the development with favourable results. This will be subject to a full assessment later in the report. • A study on Vertical Sky Component was carried out to determine the impact of the development on windows of neighbouring development. Of the 151 points tested 100% exceed the BRE requirements. • The review also found that the proposed development's overshadowing performance is similar to what might be expected for an infill project in a compact streetscape. This will be reviewed in full under a separate heading. • The blocks are of a high-quality, incorporating surface water control measures, green roofs and shared facilities such as lifts and community facilities/work hub areas. • A mix of apartments would facilitate a range of household types. Dual aspect apartments are provided in accordance with the Apartment Guidelines and the DCDP. • No plant is proposed at roof level – All plant will be contained internally at ground floor level. • A Site-Specific Flood Risk Assessment was conducted. There is no flood risk associated with the site.

	daylighting requirements is not possible in the context of a particular site (See Appendix 16), • incorporate an Integrated Surface Water Management Strategy to ensure necessary public surface water infrastructure and nature-based SUDS solutions are in place – • include a flood risk assessment – • include an assessment of embodied energy impacts – see Section 15.7.1	• An assessment of embodied energy impacts was not considered as it was not required for the application. No buildings are in place on the site and as such no demolition works will take place.
8. To secure sustainable density, intensity at locations of high accessibility.	Enhanced density and scale should: • be at locations of higher accessibility well served by public transport with high-capacity frequent service with good links to other modes of public transport, • look to optimise their development footprint; accommodating access, servicing and parking in the most efficient ways possible integrated into the design.	• This area is well-served by public bus services – both on Beaumont Road and Swords Road. There are peak-hour bicycle lanes on Beaumont Road and the public footpath network of linkages in the area is extensive. • The proposed pedestrian connection will allow for ease of access to bus stops in the area.
9. To protect historic environments from insensitive development.	This criterion is not relevant to this appeal.	

10. To ensure appropriate management and maintenance.	Enhanced density and scale should: • Include an appropriate management plan to address matters of security, management of public/communal areas, waste management, servicing etc.	The BTR scheme will be operated by a management company, which will be responsible for maintenance. The BTR model will be for a minimum period of 15 years. The application is accompanied by the following; - Operational Waste Management Plan prepared by Urban Life - Operational Management statement - Community Safety Strategy: - Construction Environmental Management Plan and a Construction Demolition Waste Management plan.

Conclusion Density – Development Plan

13.4.8. Both the proposal for 99 units and the revised scheme for 86 units would exceed the general density range of 60-120 uph for the Outer Suburbs as detailed in Table 1 of Appendix 3. Following an assessment against the criteria in Table 3 of Appendix 3, it is evident that the subject site and the proposed development have strategic benefits that would support higher density. Section 4 of Appendix 3 is called *'The Compact City - How to Achieve Sustainable Height and Density*?'. Regarding key locations for a more intensive form of development, Section 4 states that there is recognised scope for height intensification and the provision of higher densities at designated public transport stations and within the catchment areas of major public transport corridors including Bus Connects/Core Bus Corridors. This section of the Appendix goes on to state that higher densities will be promoted within 500m walking distance of a bus stop.

13.4.9. Although the site is not within 500m of a bus stop on a Bus Connects/Core Bus Corridor, it is within walking distance (900m) to the Swords Road Bus Corridor. An additional bus connection from Beaumont Road to the Swords Road is currently available via the No. 16 route. It is also notable that the Swords Road is also a direct route to the M50 and to Dublin Airport which are c. 4km and c. 7km to the north of the site respectively. Based on the proximity of the site to public transport, I am satisfied that higher densities can be considered in accordance with Section 4 of Appendix 3.

13.4.10. As the proposed development is denser than the prevailing context, I have assessed it against the key criteria and the detailed performance criteria, as contained in Table 3 of Appendix 3. Following this assessment, I am satisfied that the scheme would,

- contribute to a sense of place through its design, accessibility and landscaping;
- provide appropriate legibility via the new pedestrian/bicycle link and enclosure of spaces through the creation of a throughfare, additional public open space and a strong urban edge to Beaumont Road;

- prioritise pedestrians and cyclists through the creation of a new pedestrian/bicycle link, which is at an appropriate scale, overlooked from the apartments and with a sense of enclosure;
- provide high quality and active public realm,
- provide high quality and usable private spaces through the provision of communal facilities/work hub area and
- the expansion of dwelling topologies in the area while ensuring quality and environmentally sustainable buildings.

13.4.11. The proposed development would have a plot ratio of 1.5 and a site coverage of 30% for the 99 unit scheme and a plot ratio of 1.53 and a site coverage of 29% for the 86 unit scheme. Both schemes would be in accordance with the indicative Development Plan standards of 1.0-2.5 plot ratio and 45-60% site coverage. The proposal is also in accordance with Policy SC11 which promotes compact urban growth. Overall, I am satisfied that the increased density is justified at this location by virtue of its urban nature and proximity to public transport.

13.4.12. Table 3 of Appendix 3 contains a detailed set of objectives and performance criteria for assessing proposals for enhanced height, scale and density. Third parties put forward that the proposal materially contravened Table 3 of Appendix 3 as it did not meet the requirements of the table. Table 3 contains a set of 10 objectives which are aspirational in nature. There is a further 37 performance criteria listed in the table to be used in assessing proposals for enhanced height, density and scale. As the objectives are aspirational and without defined parameters, I am satisfied that the proposal will not materially contravene the objectives. The performance criteria vary in detail and intent and are to be applied in any assessment of the proposal. The applicant has addressed the performance criteria in detail in their Section 132 response, and I have reviewed and assessed this again in Table 2 above. Where details are lacking or require additional interrogation they are assessed in detail below. Based on the nature, wording and intent of Table 3 of Appendix 3 of the DCDP that the proposal does not constitute a material contravention of the Development Plan.

13.4.13. Whilst the proposed density is acceptable for the site, the proposal will be subject to a detailed assessment regarding its overall impact on the receiving

environment. For the purposes of preliminary assessment on suitability of land use, density and scale, I consider that the proposed development generally complies with Appendix 3 of the CDP and does not constitute a material contravention of the Dublin City Development Plan 2022-2028. Where performance criteria require additional interrogation, they will be assessed in full below.

Density - Compact Settlements Guidelines

13.4.14. Within the Compact Settlements Guidelines (CSGs), the site is categorised as a *'City – Suburban / Urban Extension'*, (Table 3.1), where residential densities in the range 40 dph to 80 dph (net) shall generally be *densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8)*. Section 3.4.1 of the Guidelines states that *densities above the ranges are 'open for consideration' at accessible suburban and urban extension locations to the maximum set out in Section 3.3,* (i.e. 150 uph (net)).

13.4.15. Both the DCDP and the CSGs refer to 'net density' ranges with a clear methodology for calculation provided in the CSGs. A net site density measure is a more refined estimate and includes only those areas that will be developed for housing and directly associated uses. The applicant has provided a stated 'gross' density for the development proposals but not a net density. Whilst noting that the net density calculation may result in a slightly higher density, in the absence of this information the proposal will be assessed on the information at hand.

13.4.16. As noted previously the proposal for 99 units would have a density of 171 uph, and the Section 132 scheme for 86 units would have a density of 148 uph. Both schemes would be significantly above the recommended range of 40 – 80 uph for a City-Suburban / Urban Extension. The density of the revised Section 132 scheme would be under 150 uph which would make it 'open for consideration' at 'accessible' locations.

13.4.17. Table 3.8 of the Guidelines defines an 'accessible location' as *'Lands within 500 metres (i.e. up to 5–6-minute walk) of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services.* The site is currently served by Bus Stop 217 at Grace Park Court to the front of the site for out-bound services and Stops 234 and 235 c. 100-150m from the site for in-bound services. Bus routes 14 and 16 serve these stops and have a rush hour frequency of 15 minutes for the No.

14 route and between 10 and 7 minutes for the No. 16 route. The frequencies are taken from the Dublin Bus online timetables and have been disputed by third parties. Public transport availability and capacity will be subject to a full review in the following sections as part of this assessment. The site is also within 1km of the Swords Bus Corridor which will be subject to upgrades under Bus Connects. For the purposes of determining whether the site can accommodate higher densities, I am satisfied that there is sufficient access to public transport in proximity to the site and on this basis higher density can be considered. Whilst the site may be suitable for densities higher than the prevailing character of development, the overall scheme will be subject to a detailed assessment to determine its overall suitability for the site.

13.4.18. The appeal scheme of 99 units would be considerably above the recommended density range of 40 – 80 uph and the upper limit of 150 uph which is 'open for consideration' at accessible locations. Section 3.4 of the CSGs that, while density ranges are provided in Section 3.3 of the guidelines, the application of density ranges in development plans and in individual planning applications will be subject to local determination by the PA or the Commission. Refining density ranges should be based on the,

- Consideration of Proximity and Accessibility to Services and Public Transport, which should be informed by the capacity and wider network accessibility of public transport services at a node or interchange (number of options, capacity and peak hour frequency) and the journey time to significant destinations (e.g. city centre or significant employment location), and the
- Considerations of Character, Amenity and the Natural Environment, which include, prevailing scale, urban grain and architectural language, impact on residential amenities and availability of infrastructure.

Whilst the 99 unit scheme is above the recommended density, I am satisfied that it can be assessed on its merits against the prevailing context of the urban site and the provisions of the DCDP.

Conclusion

13.4.19. Based on the foregoing assessment of the scheme under Appendix 3 and Appendix 19 of the DCDP, I am satisfied that the density of the amended, Section

132 scheme, would be open for consideration within the context of the site. This is due to,

- the location of the site in an urban area with existing services,
- proximity of the site to an existing public transport corridor with bus stops to the front of the site, and,
- the proximity of the site to Beaumont Hospital and DCU, which are significant employment generators.

Although the proposal for 99 units would exceed the recommended range for the City-Suburban / Urban Extension, and the 150 uph guidance threshold, I am satisfied that the proposal can be considered for the site. The characteristics of the site, which are extensively listed above, are also true for the larger scheme and whilst the density would exceed the range in the CSGs, some flexibility is provided in that the density ranges are 'guidelines' to be adopted and refined in accordance with local conditions. In consideration of the site location and the characteristics of the surrounding environment I am satisfied that the higher density scheme can be considered at this location subject to a detailed assessment of the scheme in its totality.

13.5. **Height**

13.5.1. The development proposed under the appeal would have a height of 3 to 8 storeys. Block A would be 8 storeys to Beaumont Road, stepping down to 3 storeys adjacent to Ellenfield Road with the central parts of the block extending to 5 and 4 storeys respectively. Block B would have 6 storeys facing onto the internal street and to Beaumont Road and would step down to 3 storeys where the site is adjacent to Grace Park Court to the south. It would also step down to 5 storeys towards the centre of the block and 3 adjacent to Ellenfield Road. The 8 and 6 storey elements would extend to a height of 28.5m and 21.9m respectively. Both blocks would step down to 11.5m height at the 3 storey elements/elevations beside the two storey houses.

13.5.2. Development Plan policy on height is based on the provisions of the Building Height Guidelines (2018) and is set out / detailed in Chapter 4 which details the overall approach to height in the city and states that, *'The City Council advocates that when*

considering building height, regard must be had to the prevailing context within which the site is located and broader consideration must also be given to potential impacts such as overshadowing and overlooking, particularly in the lower scaled suburban areas of the city.' Chapter 4 requires that a masterplan will be prepared for any site greater than 0.5ha. The subject site is 0.58ha, and whilst a masterplan was not submitted with the application, I consider the extent of information that accompanied the proposal, which includes an Architectural Design Statement, Urban Development & Building Height report, and CGIs, to be sufficient to inform a full assessment of the scheme within the context of the site and the surrounding area.

13.5.3. Policy SC17 contains a checklist for all development proposals with enhanced scale and height. *The policy states that all proposals should follow a design led approach;*

- *include a masterplan for any site over 0.5ha (in accordance with the criteria for assessment set out in Appendix 3);*
- *make a positive contribution to the urban character of the city and that responds positively to the existing or emerging context;*
- *deliver vibrant and equitable neighbourhoods that are walkable, compact, green, accessible, mixed and balanced;*
- *Do not affect the safety of aircraft operations at Dublin Airport (including cranage); and*
- *have regard to the performance-based criteria set out in Appendix 3.*

13.5.4. Regarding Policy SC17, I am satisfied that;

- The application was accompanied by a suite of documents and plans that describe the plan-led approach to the design, which was developed by a multi-disciplinary team. While the appeal site has a stated area of 0.58 ha (marginally more than the stated 0.5ha) I am of the view that the information contained in the Architectural Design Statement provides a comprehensive overview of how the site would be developed and how it would integrate into the existing environment.
- The proposal is for the construction of two apartment buildings (Buildings A and B) that will range in height from 3 storeys to 8 storeys together with the creation of a pedestrian / cycle link through the site from Beaumont

Road/Grace Park Court to Ellenfield Road. The density and height of the scheme is expressed in the design and architecture of the buildings and layout. There are physical elements of the scheme, such as enhanced permeability, that will respond positively to the urban character, however a full assessment of the scheme is required to determine its overall suitability within the context of the established suburban area.

- The proposed development is a compact scheme that will improve the mix of housing in the area and will enhance the connectivity for pedestrians and cyclists in the area with a new landscaped route through the site to and from Ellenfield Park and Beaumont Road and that is well connected by public transport.
- The safety of aircraft operations at Dublin Airport (including cranage) is not applicable to the appeal site.
- Having regard to the performance-based criteria Performance Criteria outlined by Table 3 contained in Appendix 3 I refer to the assessment of same in Section 13.4.6 of this assessment above. As previously referenced the development will provide a secure sustainable density, at an accessible location.

13.5.5. In consideration with the foregoing, I am satisfied that the subject proposal would not conflict with Policy SC17.

13.5.6. Appendix 3 sets out a policy approach in accordance with the Building Height Guidelines 2018 and with SPPR 1, where areas are identified for increased height and SPPR 3 which recommends a series of performance-based development management criteria. Appendix 3 states that, *'All proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3.'*

13.5.7. In accordance with SPPR 1 of the Height Guidelines, areas for increased height and density in the city include the City Centre and within the Canal Ring, Strategic Development Zones, in Local Area Plans, Strategic Development Regeneration Areas, Key Urban Villages, Former Z6 Industrial Lands and Public Transport Corridors. In the Outer City (Suburbs) heights of 3 to 4 storeys will be promoted as the minimum. Greater heights will be considered on a case-by-case basis, having

regard to the prevailing site context and character, physical and social infrastructure capacity, public transport capacity and compliance with all of the performance criteria set out in Table 3.

13.5.8. The subject site is not within any of the areas specifically identified in the DCDP for additional density and height. Therefore, the proposal will be assessed in consideration of the prevailing site context, character and conditions and the criteria in Table 3 of Appendix 3 which deals with proposals for enhanced height, density and scale. As the tallest part of the proposal would be approximately 28.5m, the development is not classified as a 'Landmark Building' in the DCDP. However, the proposed height would be significantly greater than the prevailing character of development which is 2 – 3 storey development. I am satisfied that the location of the site is suitable for higher density development based on its location and proximity to public transport. This is demonstrated in the assessment of the performance criteria outlined in Table 3 of Appendix 3. See Section 13.4.6 above. Whilst the justification for increased scale may be possible, the impact of the scheme on the receiving environment is key. Therefore, I consider the pertinent issues to relate to visual impact and impact on residential amenity.

Visual Impact

13.5.9. A Townscape and Visual Impact Assessment (TVIA) and a booklet of photomontages accompanied the application. Revised contextual elevations and sections, accompanied the appeal, each illustrating the proposed development within its current context. Additional photomontages for the revised, 86-unit scheme, were included in Section 12.0 the Architectural Design Statement. Images were presented from the same four viewpoints that were used for the original TVIA. Having visited the site and the surrounding area, I am satisfied that the images prepared present a reasonably accurate portrayal of the proposed development.

13.5.10. The TVIA included an assessment of the visual impact of the proposal from 4 viewpoints;

- Viewpoint 1 – Beaumont Road looking west,
- Viewpoint 2 – Beaumont Road looking east / north-east,
- Viewpoint 3 – Ellenfield Road looking south and

- Viewpoint 4 – Beaumont Grove looking south.

The TVIA states that these viewpoints were selected as they would have the most notable views towards the site. Beyond this these points views towards the site were found to be limited.

13.5.11. I have visited the site, and I would agree that the development would be most visible in the immediate area and that the most sensitive receptors would be from existing housing on the surrounding roads. In terms of visual impact, it is accepted that the construction stage will result in a short-term, negative impact. Therefore, the most important impacts to review are the long-term, post-construction impacts of the buildings which are significantly taller than the prevailing height of buildings in the immediate area. The following Table (Table 3) provides a summary assessment of the likely visual change arising from the proposed development from each of the four short-range viewpoints assessed in the TVIA. I note to the Commission that the TVIA was prepared for the original development comprising 99 units and with blocks of 6 and 8 storeys facing onto Beaumont Road.

Table 3 – TVIA Viewpoints

No.	Location	Description of Change
1	Beaumont Road – 75m northeast	All storeys to blocks A (eight-storeys) and B (six-storeys) visible along Beaumont Road with some screening via mature street trees. I consider the magnitude of visual change to be medium / high in the context of the receiving urban environment.
2	Beaumont Road – 105m south	Upper-levels of block B (stepping up to six-storeys) visible over landscaping and all storeys to block A (eight-storeys) visible along Beaumont Road. I consider the magnitude of visual change to be high in the context of the receiving urban environment.
3	Ellenfield Road – 140m northwest	Upper-levels of block A (stepping up to eight-storeys) and block B (stepping up to six-storeys) clearly visible over two-storey housing lining Ellenfield Road. I consider the magnitude of visual change to be medium / high in the context of the receiving urban environment.

4	Beaumont Grove – 30m east	Short-range view with little discernible difference visible along the streetscape due to the depth of tree cover to the verge running along Beaumont Grove. I consider the magnitude of visual change to be low in the context of the receiving urban environment.

13.5.12. Having visited the site and the surrounding area, the proposed buildings would be most visible from the public realm and the housing along Beaumont Road, Grace Park Court, Beaumont Grove, Ellenfield Road and Glencorp Road. Given their height and scale, there would be intermittent views of the buildings from some areas in the surrounding streets.

13.5.13. Glencorp Road and Ellenfield Road are located to the north-west and North of the application site respectively. Both roads are aligned on one side with rows of two Storey terraced houses that face onto Ellenfield Park. A spur from the junction of both roads leads to a 60-metre-long, cul-de-sac also called Ellenfield Rd with the boundary wall of the site at its end. The majority of buildings in the local area including those on the adjacent Beaumont Grove, Ellenfield Road and Glencorp Road are 2- storey terraced or semi-detached houses, although Grace Park Court to the immediate South of the site and the more recent development at Collinswood, on the opposite side of Beaumont Rd, include 3-storey apartment blocks. The site itself is a vacant brownfield site that has become overgrown. In the TVIA it is categorised as ‘poor’ landscape or of ‘low sensitivity’.

13.5.14. In keeping with the principles of urban design, the design approach applied to the site is to position the tallest sections of the blocks adjacent to the public road and to provide a transition in scale where the site adjoins existing two storey houses. This approach is reasonable and would be standard when maximising the development potential of a brownfield site in an urban area. Planning policy seeks to maximise the development potential of underused, urban sites. I accept that some variation in height is to be expected from the development of a vacant urban site capable of creating its own character. However, I consider the height of the 8 and 7 storey blocks to Beaumont Road to be excessive within the suburban context and the overall streetscape. This is evident in Viewpoints 01 and 02 from Beaumont Road. The prevailing character along the road is of 2 storey houses and low-rise

development. I consider the height of the Blocks and the juxtaposition of Block A, which steps forward of Block B and is dominant in mass and height, to be excessive within the context of the suburban character of the surrounding area.

13.5.15. Existing houses on Beaumont Grove to the north of the site, would face directly onto Block A. The houses facing directly towards the site would be c. 31 to 46m from the northern elevation of Block A, which would be 5 -3 storeys at this location. Although the building would be a significant intervention in the landscape, the visual impact at this location would be mitigated somewhat by the retention of a line of mature trees outside the northern site boundary and flanking the carriageway at Beaumont Grove. Views from Grace Park Court to the south of the site were not provided. Although the apartments at Grace Park Court are positioned directly beside the southern site boundary, the main windows for the development are orientated away from the site and there is no formal public open space adjoining the site. Therefore, I consider the views from this location to be less sensitive than housing facing directly onto the site. The TVIA did not include views facing directly onto the site from the opposite side of Beaumont Road. However, the oblique views from the road looking east and westwards towards the site gives an indication of the scale of the buildings when viewed head on. Whilst some mature trees in the public realm would be retained to the front of the site, and additional landscaping / tree planting would be provided to the front of both blocks, given the scale of the buildings this would only mitigate views towards the lower levels of the buildings.

13.5.16. Houses on Ellenfield Road would be near the western site boundary but would not face directly onto the site. Therefore, views towards the site would be most prominent from the public realm on Ellenfield Road and Glencorp Road. The impact of the proposal on private amenity spaces will be assessed under a separate heading. Whilst the views from these areas Glencorp Road and Ellenfield Road would be prominent, the transition in scale would provide a separation from the largest elements to the front of the site. Nevertheless, the height and mass of the tallest element would dominate the skyline when looking south from Ellenfield Road.

13.5.17. I consider the transition from existing two storey houses to three storeys at the northern end of the site to be an acceptable response to the prevailing urban character. Notwithstanding the suitability of the site for increased scale, the proposal to Beaumont Road would result in a substantial increase in height and scale in

comparison to the context of the surrounding development. I note that the contemporary design of the blocks is supported by the applicant in the Architectural Design Statement which states that the diversion of scale and architectural expression of the contemporary design would create a landmark within the streetscape and would contribute to a sense of place. Whilst the contemporary design is acceptable in principle, the scale and massing of Block A, as viewed from the north and demonstrated in Viewpoints 01 and 02, would represent an overly dominant form in the streetscape, which would be an overtly stark contrast with the surrounding area. As the review of Table 3 in Section 13.4.6 above illustrates, I consider the site capable of delivering development of a scale and density above the prevailing context. However, the proposal for buildings of 8 and 7 storeys adjacent to Beaumont Road would be excessive and would result in an overly dominant built form that would fail to respond appropriately to the context of the site.

13.5.18. In the revised proposal submitted as part of the applicants Section 132 response, the height of the blocks have been reduced. Block A would be 6 storeys to Beaumont Road, stepping down to 5 and 4 storeys at the northern section of the site. Block B would be 5 storeys at the section facing onto the internal street and onto Beaumont Road, stepping down to an equivalent to 3 storeys (2 storeys over undercroft parking) at the southern section on Beaumont Road and 4 storeys to the north of the site. Although the tallest part of both blocks has been reduced the height and massing of the main body of the blocks would remain the same. Therefore, I consider the visual impact of the revised proposal to be broadly similar to that of the scheme submitted under appeal when viewed from the properties to the north and south at Beaumont Grove and Grace Park Court respectively. The overall visual impact would also be reduced when viewed from the opposite side of Beaumont Road.

13.5.19. Photomontages previously submitted were updated to illustrate the revised proposal and are included in Section 12 of the Architectural Design Statement. Viewpoints 01 and 02 illustrate the scheme from Beaumont Road, from the north and south respectively. When viewed from the north, looking south along Beaumont Road, the reduced height allows for a better design response to the site where the massing is reduced and the response is more appropriate within the suburban context. Beaumont Road rises slightly to the north of the site and existing mature

trees along the road would diffuse the mass of the block and would mitigate the visual impact.

13.5.20. Viewpoint 02 is taken from the south of the site, looking north. The angle of the site and the position of Block A, slightly forward of Block B means that the 6-storey element of Block A is prominent in this view. From the intermittent distance shown, the massing of Block A is still dominant in the landscape and against the low-rise suburban context. However, the transition in scale from Block B helps to mitigate against the presentation of a monolithic form. Whilst the revised proposal would be a distinct diversion in architectural style, scale and height to the existing suburban context, this is to be expected in order to maximise the use of the vacant site in an urban area.

13.5.21. Although the height to Beaumont Road was reduced, it is proposed to increase the separation distance of the buildings from the site boundary and to increase the height of the blocks at this location from 3 to 4 storeys. Viewpoint 03 indicates what this revision would look like from Ellenfield Road. However, the image is taken from an intermittent distance and is not very clear or effective in illustrating the impact of the proposal. I note that Development Plan policy is to support the provision of 4 storey buildings in suburban areas, (Section 4.0, Appendix 3). Given the nature of the brownfield site, heights of 4 storeys would be expected as part of any significant development for the site. As previously noted, the houses on Ellenfield Road do not face directly onto the site as such the proposal would represent an urban backdrop to the existing development, which would have an acceptable visual impact. The impact of the proposal on the private spaces of the properties on Ellenfield Road and Glencorp Road will be assessed under a separate heading.

Conclusion

13.5.22. Notwithstanding the strategic benefits of the site for enhanced scale of development, I consider the height of the proposed scheme for 99-units, to be excessive for the context of the low-rise suburban area and would represent an overly dominant form when viewed from Beaumont Road. Whilst the scheme allows for some transition in scale to reflect adjoining development, I consider the 8-storey element of Block A to be an inappropriate response to the suburban streetscape.

The combination of the height and massing of Block A would result in a form of development that would be visually disruptive and dominant in contrast to the attributes of the receiving urban environment. Fo this reason I recommend that planning permission is refused.

13.5.23. The revised 86-unit development would represent a more appropriate height and scale for the stand-alone site in a suburban area. However, this revision was submitted under a Section 132 response and, whilst it may be argued that the reduction in height to Beaumont Road would reduce the impact of the proposal, I consider the increase in height from 3 to 4 storeys at the northern end of both blocks to be a material change in the development to that originally advertised in the public notices and which should be subject to a separate application process.

13.6. **Impact on Residential Amenity**

13.6.1. Concerns were raised by third parties regarding the impact of the proposal on existing residential amenity in terms of loss of privacy/overlooking, overshadowing, additional traffic and disturbance / anti-social behaviour from the proposed connection to Ellenfield Road. Issues relating to traffic and the proposed pedestrian connection will be addressed under a separate heading later in the assessment. This section will address potential impacts from the development in terms of overbearing impact, overlooking, overshadowing and loss of daylight/sunlight.

Overbearing Impact

13.6.2. In the first reason for refusal, the PA determined that, due to the proximity of the development, the proposal would have an overbearing impact on No's 9 and 23B Ellenfield Road. Overbearance in a planning context is the extent to which a development impacts upon the outlook of the main habitable room in a home or the garden, yard or private open space service a home.

13.6.3. In terms of the potential for overbearing impacts, I consider the properties at Ellenfield Road and Grace Park Court to be the most sensitive receptors. Properties on Beaumont Grove, facing onto the site would have separation distances ranging from 31 to 52m and properties on the opposite side of Beaumont Road would have separation distances of 42 and 43 m between façades. All distances are above the

recommended 16m separation distance between opposing windows as per the CSGs. Given the distance between facades, which includes public roads, I consider the separation distances between properties on Beaumont Grove and Beaumont Road to be sufficient to prevent overbearing impacts. In the 99-unit scheme (submitted with the appeal), both blocks would step down in height to 3 storeys at the northern site boundary, adjacent to Ellenfield Road. Block A would be adjacent to No. 23b and the side elevation of Block B would be adjacent to No. 9 Ellenfield Road. These properties would be the closest in proximity to the development.

13.6.4. No. 23b is a two-storey, infill house at the end of terrace. It has been constructed adjoining the site boundary and has a two-storey extension to the rear with a long narrow garden that flanks the subject site along its northern boundary. The 3-storey elevation of Block A would have a brick finish and would have no windows facing north, towards the adjoining properties. Block A would have projecting balconies at the corner on first and second floor level facing southwest. These balconies would broadly align with the front elevation of No. 23b and would not face onto or overlook any private amenity spaces for the property. A Sight Line Analysis was carried out by the applicant to determine the field of view from the rear of both properties on Ellenfield Road and to measure the potential impact of the development. The elevation of Block A would extend past the rear elevation of No. 23b by approximately 4.7m. Due to the orientation of the block, it would be angled away from the house instead of running directly parallel. The side elevation window at first-floor level to no.23b would be over 5m from the three-storey gable to proposed block A. Drawing No. 1953-PA-503 illustrates the field of vision from the rear garden of No. 23 and shows that views would be impeded by existing mature trees and the boundary wall. Additional tree planting would be provided along the northern site boundary as shown on the landscaping plan for the scheme (Drawing 6915-L-201). The building line of Block A has been designed to align with the existing houses at Ellenfield Road. It would not project forward of the existing terrace and where it projects past the rear building line of the terrace, it is angled away from the adjoining house. Having considered the orientation of the existing house, its layout and attendant amenity space to the rear, I am satisfied that Block A would result in excessively overbearing impacts for residents of No.23b or other properties to the northwest along the adjoining terrace to Ellenfield Road.

13.6.5. The 3-storey element of Block B would be adjacent to No. 9 Ellenfield Road. This house has also been extended to the rear with a part two / part single storey extension in place along the site boundary. This property has no windows facing onto the subject site. The main body of Block B aligns with the rear elevation of No. 9 and as such the proposed development would not be visible from the rear ground floor windows to No.9. First floor windows would be approximately 4.5m to the northwest of Block B and the side elevation of the block would extend past these windows to a maximum of 5m. The elevated podium garden would be positioned parallel to the site boundary and would flank the remaining garden at No. 9. The elevated garden would have a 2m high boundary at this location and would be set back from the boundary by c. 2.6m.

13.6.6. The appellant has provided a drawing (no.1953-PA-501 Rev A) to illustrate the field of view from the rear garden to No.9. I am satisfied that the existing building at No.9 and the boundary wall would substantially impede views of the proposed gable to Block B from the garden. The extensive communal open space provided to the northwestern corner of the site, albeit at a raised level and 2.7m from the boundary, would ensure the development would not result in excessively overbearing impacts for residents of No.9 or other properties to the northwest along the adjoining terraces. The proposed boundary to the podium garden would also prevent overlooking of existing properties.

13.6.7. To the south of the site, the apartments in the Laragh and Ashely blocks at Grace Park Court would be approximately 6.3m from the proposed development. The gable ends to Laragh and Ashley apartment blocks facing the appeal site feature small windows that do not appear to serve living rooms. Elevation drawing no.1953.PA.206 (Rev B) illustrates the relationship between these existing residences and the proposed blocks. The Ashley two-storey block would be closest of these blocks to the taller proposed elements of block B, with a separation distance of 21.5m to the proposed six-storey element of block B and a 6m separation distance to the three-storey element of block B. The podium garden would be directly to the north of Laragh building and Block B would step down to 3 storeys to the north of the Ashley building. I am satisfied that the scale of the development at this location would not result in an overbearing impact on the apartments at the Laragh and Ashley buildings to the south of the site.

Overlooking / Loss of Privacy

13.6.8. Third parties raised concerns regarding the potential for overlooking of existing properties and loss of privacy. Section 15.9.17 of the DCDP states that traditionally a minimum distance of 22m is required between opposing first floor windows but a reduced distance may be acceptable subject to orientation and location. The Compact Settlements Guidelines came into effect after the DCDP was adopted. SPPR 1 of the Guidelines states that development plan shall not include an objective for minimum separation distances that exceed 16m and a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Apart from an increase in the separation distance to the northern boundary in the amended 86-unit scheme, the footprint, layout and orientation of both schemes are broadly similar.

13.6.9. Direct overlooking from both schemes would not arise for the residences to the west in Grace Park Court, as they do not feature living room windows facing directly onto the appeal site, nor do they feature private gardens adjoining the appeal site. With a minimum separation distance of 31m between the proposed upper-floor windows to the directly facing windows in the nearest residences to the south and east (no.78b Beaumont Road) and a minimum separation of 24.7m from the proposed windows to the nearest rear garden to the south and east (No.78 Beaumont Road), the guideline separation standard can be achieved. I note that the existing mature treeline along Beaumont Grove will be retained and will provide a visual buffer between developments.

13.6.10. Elevations adjoining the northern site boundary have no windows and as such properties on Ellenfield and Glencorp Road would not be directly overlooked. Windows on the northwestern elevation of Block B would be angled away from the rear gardens of houses on Glencorp Road. No. 9 Ellenfield Road would be the closest house in proximity to Block B. The closest proposed window or balcony facing this property would be the balcony at fifth-floor level to apartment 05-01, which would be c. 18m from the rear garden of no.9. No.9 does not feature side elevation windows overlooking the appeal site and the separation distance between the sites is sufficient to prevent overlooking. Concerns were raised regarding the potential of overlooking of gardens from the podium garden at first floor level. The line of the

podium garden would be approximately 2.6m from the site boundary, which adjoins the rear gardens of No's 30 to 33 Gelncorp Road. Drawings show a 2.25m boundary detail (comprising metal effect cladding) around the garden. This would prevent overlooking of gardens to the north of the site.

13.6.11. The three-storey northwest elevation to block A would be a minimum of 3.4m from the boundary with no.23b, however, the closest proposed window or balcony facing this property would serve apartment 03-01 at third-floor level, which would be 17m from the rear garden of no.23b. No.23b features a window at first-floor level overlooking the appeal site. The closest northeast facing windows or balconies to apartments on the higher levels to block A are an additional 8m from no.23b and approximately 25m from this neighbouring property. East facing balconies on Block would have solid boundaries to the balconies closest to No. 23b which would prevent overlooking. Balconies to Units 04.01 and 04.02 at fourth floor level would be orientated to face directly towards No. 23b. However, the separation distance of c. 23m to the site boundary would be sufficient to prevent overlooking.

13.6.12. Third parties also raised concerns regarding the potential for overlooking from the roof garden at second-floor level on the east side of proposed block A. This roof garden would be 31m from the front elevation of no.78a Beaumont Road and 26m from the rear garden to no.78 Beaumont Road. The existing trees would remain along the grass verge boundary adjoining the site onto Beaumont Grove and coupled with these substantive separation distances and the buffer created by the roads, I am satisfied that the potential for excessive overlooking from the roof garden to neighbouring properties would not arise.

13.6.13. I am satisfied that the layout, orientation and separation distances provided would be sufficient to prevent undue overlooking and excessive loss of privacy for existing residential properties from both the 99-unit scheme and the 86-unit scheme.

Overshadowing & Loss of Light

13.6.14. A Daylight, Sunlight and Overshadowing Study was submitted with the application for the 99-unit scheme. A Revised Daylight-Sunlight Report was prepared for the 86-unit scheme in accordance with updated guidance and submitted as part of the Section 132 response. Both reports considered the impact of the

proposal on adjoining properties in terms of overshadowing and loss of daylight and/or sunlight.

13.6.15. For the 99-unit scheme the appellant's Daylight, Sunlight and Overshadowing Study provides an assessment of the effect of the proposed development on sunlight levels to the rear gardens of houses along Glencorp Road and Ellenfield Road directly north of the appeal site, as well as an assessment of the impact on lighting to the rear gardens of nos.78, 78a, 80, 82, 84, 86 and 88 Beaumont Road and nos.18 to 22 Beaumont Grove. The assessment was carried out in accordance with the BRE Guidance that was in place at the time. Since the application was lodged, the guidance has been replaced. In terms of overshadowing, sunlight to amenity spaces and daylight to existing properties, the texts used are generally the same. Additional guidance is given in the newer documents regarding sunlight to existing properties and sunlight and daylight to proposed units. I have reviewed the original assessment for the 99-unit scheme and I am satisfied that it was carried out in accordance with the guidance in place at the time.

13.6.16. Regarding overshadowing, the study found that properties on Beaumont Grove would experience additional shading in the afternoons of March and December. Additional shading would occur at properties on Ellenfield and Glencorp Road during the mornings of March and December (until 12:00) with minor additional shading in June (until 10:00). No additional shading would occur to the properties on Beaumont Road or Grace Park Road. The study concludes that the overall impact of overshadowing can be classed as a minor adverse impact.

13.6.17. A further analysis was carried out to determine the levels of light to existing amenity spaces. The BRE recommendation for sunlight to amenity spaces states that for a space to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive a minimum of 2 hours of sunlight on the 21st of March. An analysis of 37 private rear gardens found that with the proposed development in place, 34 of the rear garden areas would receive at least two hours of sunlight for 50% of their areas on the 21st day of March, which is in accordance with BRE recommendations. Between 25% to 37% of the rear garden areas to no.23b Ellenfield Road and nos.78 and 80 Beaumont Road would receive at least two hours of sunlight on the 21st day of March. The level of change in the receipt of sunlight to these rear gardens from the baseline scenario compared to the proposed scenario

was calculated as being between the ratio of 0.90 and 0.97 for no.23b Ellenfield Road and no.80 Beaumont Road respectively. Therefore, the change in between existing and proposed overshadowing would be well within the BRE guidance for these properties.

13.6.18. The level of change in receipt of sunlight to the rear garden of no.78 Beaumont Road on the 21st day of March would be at a ratio of 0.68 and, therefore, below the ratio of change set out in the BRE guidance. The appellant asserts that this property would receive good levels of sunlight throughout the year. The graphical images submitted identify areas of the garden to no.78 in receipt of two hours sunlight and the shadow study images would appear to verify reasonable levels of sunlight would be provided to this garden during the summer. No.78a would appear to be an infill property that was constructed in the original rear garden of No. 80. Images submitted with the revised daylight, sunlight assessment for the revised Section 132 show similar conditions for the properties on Beaumont Grove. This is discussed further in the sections below.

13.6.19. Properties on Beaumont Grove, Beaumont Road, Ellenfield Road and Grace Park Road were assessed for impacts on daylight from the proposal. Impact on daylight is calculated using the Vertical Sky Component (VSC), which is a measure of the amount of sky visible from a centre point of a window. Where VSC values are greater than 27%, enough sunlight should reach the window. If the VSC to existing properties with the new development in place is less than 27% and less than 0.8 times its former value, occupants of the building will notice the reduction in skylight. The results of the study are set out in full in Section 5.2 of the study. In summary, all properties tested would exceed the BRE requirements for daylight.

13.6.20. Whilst the proposed development of 99 units would impact on some of the amenity spaces to the rear of existing properties by virtue of overshadowing, this would occur mainly in the morning hours of the winter and spring months, when outdoor activity is less likely. Overshadowing in the months of June would be limited to times before 10am. None of the properties tested would experience significant loss of daylight. On balance, I consider the proposal to be acceptable in terms of its impact on the level of light to adjoining properties.

13.6.21. A Daylight, Sunlight and Overshadowing Study was prepared for the scheme revised under the Section 132 response (86 units). This scheme proposed a reduction in height from 8 to 6 storeys in Block A and from and 6 to 5 storeys in Block B. To the rear of the site, the blocks would increase from 3 to 4 storeys but the separation distance between existing properties would increase from 2.6m to 9.4m at Block B and from 3.4m to 7.6m at Block A. The assessment was prepared in accordance with the updated BRE Guidance contained in BRE 209 (2022) and BE EN 17037:2018. This study considered the proposal in terms of access to sunlight to amenity spaces, existing buildings and the proposed development; daylight to existing buildings and the proposed development as well as a shadow analysis.

13.6.22. Potential sensitive receptors were identified and included properties on Ellenfield Road, Glencorp Road Beaumont Grove and Beaumont Road. A 3-dimensional model was constructed and in accordance with standard methodology, images were generated to consider shadows cast on March 21st and September 21st, June 21st and December 21st. The results found that Beaumont Grove would have minimal shading in the afternoons of March (1600) and December (1400). Beaumont Road would have minimal shading in the afternoons of March (1600). Grace Park Court would have no additional shading. Ellenfield Road and Glencorp Road would have additional shading in the mornings of March and December (until 12.00) and some minor shading in the mornings in June (10.00).

13.6.23. I have reviewed the results of the modelling, and I am satisfied that the level of overshadowing would be acceptable within the urban context as it would be limited to specific times of the year and at specific times of the day. I consider the most sensitive receptors to be the houses to the north of the site on Ellenfield Road and Glencorp Road due to their proximity and positioning in relation to the development. The study shows that these properties would experience some additional overshadowing during the morning hours of March, December and June. However, the private amenity spaces to the rear of these houses would not be overshadowed for the remainder of the day. Given the urban nature of the site and its development potential as a brownfield site in a serviced area, some level of overshadowing would be expected. However, I am satisfied that the proposed development would not result in an undue level of overshadowing for the adjoining properties.

13.6.24. In terms of sunlight to amenity spaces, the study included an assessment of the existing gardens at Ellenfield / Glencorp Road and Beaumont Grove. BRE 209 (2022) guidance states that for a space to appear adequately sunlit throughout the year, at least 50% of the garden / outdoor space should receive at least 2 hours of sunlight on March 21st. Where spaces are already below this threshold, BRE guidance recommends that the area in receipt of the minimum level is kept within 80% of the existing situation. Results found that the majority of amenity spaces would undergo a small reduction in the level of sunlight on March 21st. Most of the spaces tested would receive more than 2 hours sunlight on March 21st with and without the development. Two of the spaces tested did not currently achieve 2 hours of sunlight over 50% of the space. These are spaces to the rear of No. 23b Ellenfield and No. 78 Beaumont Road, where the space to the rear of 23b has just 2 hours of sunlight to 28% of the space and No. 78 had 33%. The remainder of the spaces all achieved the BR recommendation and where a reduction in sunlight would occur it was mainly in the order of 2 – 4%. The space to rear of No 78 Beaumont Road could experience a reduction in the recommended would

13.6.25. No. 25 Ellenfield Road would experience a reduction of 6% in the area receiving sunlight but would still have 68% of the space achieving the recommended level, which is within the recommended guideline range. No's 33 Glencorp Road and No. 78 Beaumont Road would experience a respective 7% and 10% reduction because of the proposal. However, 68% of the space to the rear of No. 33 would achieve the recommended level of 2 hours sunlight and 44% of the space to the rear of No. 78 would achieve the recommended level. The proposed reduction in height would marginally improve the level of daylight to the amenity space to the rear of No. 78 Beaumont Road. In the appeal proposal (99 units) 32% of the amenity space would achieve the minimum of 2 hours sunlight, whilst the revised scheme would allow for 44%. This figure would represent an additional 5 sq. m of amenity space meeting the minimum recommended level of light on the 21st of March due to the proposed reduction in height of Block A. Changes to the amenity space at No. 80 Beaumont Road would be marginal with no change to the level of space (33%) reaching the BRE recommendation as a result of the Section 132 scheme and a change of 1% as a result of the taller appeal scheme.

Daylight

13.6.26. Daylight to existing properties was assessed using the Vertical Sky Component (VSC). A total of 151 points/windows were tested in the properties on Beaumont Grove, Beaumont Road, Grace Park Court, Ellenfield Road and Glencorp Road. The study reviewed the proposed scheme and tested if the VSC results are greater than 27 %or not less than 0.8 times the value of the existing situation. When compared to the current situation, 100% of the points tested would have a Proposed VSC value greater than 27% or not less than 0.8 times their former value compared to the existing situation, which complied with the BRE Guidelines.

Sunlight

13.6.27. An additional test for sunlight was carried out in accordance with the updated BRE Guidance. Sunlight to existing buildings is calculated using the Annual Probable Sunlight Hours (APSH) metric. If a window can receive more than 25% APSH including at least 5% APSH during the winter months between 21st September and 21st March, the room should receive enough sunlight. Based on the criteria for assessment outlined in the BR guidelines, only the existing buildings at Beaumont Grove and part of Ellenfield Road required APSH assessment. The results of the assessment are fully outlined in Section 7 of the Daylight, Sunlight and Overshadowing Study (Appendix B). The results found that all the 18 windows tested would meet the BRE recommended values for APSH if the development was constructed. Therefore, the development would have minimal impact to sunlight received to the existing properties.

Conclusion

13.6.28. The results from both assessments indicate that both schemes would have some impact regarding overshadowing of adjoining properties. In terms of overshadowing the results of both schemes indicated that the properties on Ellenfield and Glencorp Road would experience additional shading during the mornings of March and December (until 12:00) with minor additional shading in June (until 10:00). I consider this to be acceptable within the urban context as the additional shading would be restricted to the morning hours only with the most impact during the winter and spring when outdoor spaces are less likely to be used.

13.6.29. In terms of sunlight to amenity spaces both studies identified baseline restrictions for the rear gardens at 23b Ellenfield Road and nos.78 and 80 Beaumont Road, with No. 23b Ellenfield currently receiving the least amount of sunlight to the rear garden, with only 28% of the space achieving a minimum of 2 hours sunlight on the 21st March. 33% of the space to the rear of No. 78 achieved the recommended minimum for the Section 132 / 86-unit scheme. In the appeal / 99-unit scheme between 25% to 37% of the rear garden areas to no.23b Ellenfield Road and nos.78 and 80 Beaumont Road would receive at least two hours of sunlight on the 21st day of March. However, the level of change as a result of the scheme was in accordance with the guidance. In both schemes the amenity space to No. 78 Beaumont Grove would be most impacted by the development. However, the applicant asserts that this property would receive good levels of sunlight throughout the year. Having reviewed the graphical images in the study, I accept this assertion for both proposals.

13.6.30. All properties tested were found to have sufficient levels of daylight and sunlight (in the case of the 86-unit scheme) to their windows following construction of the development. On balance, I consider both schemes to be acceptable in terms of the overall impact on existing properties in terms of loss of light and overshadowing. Given the urban nature of the site and its development potential as a brownfield site in a serviced area, some level of overshadowing would be expected. However, I am satisfied that the proposed development would not result in an undue level of overshadowing for the adjoining properties.

13.7. Future Residential Amenity

13.7.1. A Housing Quality Assessment was submitted with the application and updated as part of the Section 132 submission. SPPR 8 of the 2020 Apartment Guidelines allows for a deviation in development standards for BTR apartments regarding dwelling mix, provision of private amenity space and storage space, reduced car parking and the maximum number of apartments per floor core. The development proposed in the 99-unit scheme relied on the provisions of SPPR 8 in terms of unit mix. The scheme proposed would comprise 68% of 1-bed units, which is above the 50% allowance for 1-bedroom units in any one scheme in SPPR 1 of the 2020

Apartment Guidelines. The revised unit mix in the 86-unit scheme would provide 46% of 1-bed units which is in accordance with SPPR 1. Both schemes rely on the provisions of SPPR 8 which allow for a reduction in parking spaces. Although it is noted that general planning policy for urban areas supports an overall reduction in the provision of private car spaces where public transport is available.

13.7.2. All units in both schemes, comply with the floor areas set out in Apartment Guidelines, (both the 2020 Guidelines and the updated versions0. Most units in the scheme also exceed the minimum area standard by a minimum of 10%.

13.7.3. In the 99-unit scheme, 52% of the units were dual aspect and 55.8% are dual aspect in the 86 unit scheme. Both schemes would be in accordance with SPPR 4 of the Apartment Guidelines which requires a minimum of 33% of dual aspect units in more central and accessible urban locations and a minimum of 50% in suburban or intermediate locations. Both schemes would also comply with SPPR 5 and SPPR 6, which relate to floor to ceiling heights and units per lift and stair cores.

13.7.4. Each unit would have private amenity space in the form of balconies or terraces, the quantum and design of which would be in accordance with the Appendix 1 of the Apartment Guidelines.

13.7.5. Both schemes would provide sufficient levels of public open space, which would be in the order of 21% (1,243 sq. m) of the total site area. This is above the quantum of 10% required in the Section 15.8.6 and Table 15.4 of the DCDP. Whilst the quantum of public open space is acceptable, the PA were not satisfied with the quality of the space. Concern was raised that the proposed public open space to the front and side of Block a would not provide usable open space. The PA considered that the proximity of the space to block a Beaumont Rd would not provide a sufficient level of amenity and or security for ground floor units. Revised plans were submitted with the appeal to address this issue. The revisions proposed to omit the public open space along the eastern side of block A, which the Parks, Biodiversity and Landscape Services section of the Planning Authority had not considered suitable as public open space, and in its place the appellant has proposed providing communal open space amounting to an additional 783sq.m comprising a landscaped walkway and seating areas. This communal space would be easily accessible from Block A and overlooked by numerous apartments, while being screened from view along

Beaumont Grove by virtue of the existing mature band of trees to be maintained along the roadside verge. I consider this proposal to be acceptable in addressing the concerns raised in the refusal.

13.7.6. External communal open space would be provided in a similar arrangement for both schemes. Each scheme would have internal amenity space for residents. The 99-unit scheme would have 288 sq. m, and the 86-unit block has a stated area of 271 sq. m. Communal open space would be provided in the form of a podium garden to the rear of Block B and a communal terrace to the front of the residents/community room. Residents of Block A have access to a garden of c. 783 sq. m to the rear and side of the block. External communal space would be in the order of 1,430 sq. m for both schemes. Play facilities would be provided in each of the residential communal courtyards. The level of communal open space proposed is above the 562 sq. m. required in the Apartment Guidelines.

13.7.7. I am satisfied that the residential amenity spaces would provide an acceptable level of amenity for future residents. As noted previously the apartments have been designed in accordance with the development standards and requirements for 'general apartments' and as such do not rely on the relaxation of standards allowed for in SPPR 7 and SPPR 8 of the 2020 Apartment Guidelines. Communal and public open space would also be provided in accordance with Development Plan standards.

Daylight/Sunlight

13.7.8. The second reason for refusal relates to the level of future residential amenity due to poor access to communal amenity space and to unsatisfactory levels of daylight to a significant number of rooms without the benefit of sufficient compensatory measures. The issue of poor access to communal spaces was addressed by the applicant and is detailed in the previous section above.

13.7.9. The Daylight, Sunlight and Overshadowing Study originally submitted with the 99-unit proposal, applied a methodology to calculate the ADF for units at ground floor, level one and level three as a representative sample. The results were then extrapolated for the entire scheme as the logic applied was that the upper levels of the buildings would have better access to daylight. The Section 132 notice requested that the applicant submit a revised assessment which included all units in

the scheme. In response, a Revised Daylight / Sunlight Report for all rooms (for the scheme submitted at appeal stage, 99 units) was submitted under Appendix A and a separate assessment of the revised scheme (86 units) is submitted under Appendix B.

13.7.10. Appendix A included an update of the original daylight and sunlight assessment using the BRE guidance that was in place at the time of the application and appeal. The original assessment was prepared using the standards applied in the application which are BRE 2011 and BS 8206. These standards apply the Average Daylight Factor (ADF) as a metric to measure how much daylight a room will receive. I note to the Commission that these guidelines have been superseded by BR 209 (2022) and BS EN 17037:2018 respectively. It is of particular note that the guidance in BR 209 (2022) no longer uses ADF as a measure of daylight provision in new buildings and instead the guidance provides a choice between a target illuminance and a target daylight factor method.

13.7.11. In the interests of continuity, the revised assessment tested every room in the proposed development using the ADF metric which was used in the original assessment. The recommended ADF for rooms is typically recommended to be 2% for kitchens, 1.5% for living rooms and dining rooms, and 1% for bedrooms. Where spaces are combined, the recommended approach is to take the higher figure as a level for the entire room, (i.e. where kitchens and living rooms are combined the recommended ADF would be 2% rather that 1.5%).

13.7.12. For the 99-unit scheme, the results found that when Living/Kitchen/Dining (LKD) spaces are assessed as one whole room against a 1.5% target, 97% of the rooms achieve ADF above the BRE 209 (2011) and BS 8206-2:2008 Guidelines. When the same approach is applied to the rooms using a 2% target, 85% of the tested rooms achieve ADF above the BRE and BS 8206-2:2008 guidelines. The response to the Section 132 request provided an update to the ADF factor of the scheme only and did not include a comprehensive updated assessment of the overall scheme.

13.7.13. Appendix B of the Section 132 response provides a Daylight, Sunlight and Overshadowing Study for the scheme revised (86-unit) scheme. This study used the current BRE Guidance (BRE 209 (2022) and BS EN 17037:2018) and considered

the proposal in terms of access to sunlight to amenity spaces, existing buildings and the proposed development; daylight to existing buildings and the proposed development as well as a shadow analysis.

13.7.14. Appendix 16 of the DCDP, Sunlight and Daylight, is intended to provide direction to applicants and consultants carrying out such assessments. Its purpose is to offer clarity on the required technical approach, such that a standardised methodology and set of metrics are used by consultants for completing daylight and sunlight assessments. The DCDP lists the following guidance documents as the four key guidance documents that relate to the topic,

- BR 209 (2011) – Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Second Edition) – (*This document has been superseded by the 2022 edition; Site layout planning for daylight and sunlight: a guide to good practice (BR 209 2022).*
- BS 8206-2:2008 – Lighting for Buildings, Part 2: Code of Practice for Daylighting – *(this guidance document has been superseded by BS EN 17037:2018 – Daylight in Buildings and is a new European standard. It was referenced in the DCDP as the associated and overlapping information in BR 209 had not yet been updated).*
- BS EN 17037:2018 – Daylight in Buildings
- IS EN 17037:2018 – Daylight in Buildings – *(The National Standards Authority of Ireland (NSAI) adopted EN 17037 to directly become IS EN 17037. The DCDP notes that its limitations make it unsuitable for use in planning assessments).*

Appendix 16 also states that, *'If, over the coming years, a revised version of BR 209 is to be issued, the guidance within this new version will take precedence'*. The Daylight, Sunlight and Overshadowing Study prepared for the revised development of 86 units used the following guidelines which is in accordance with those outlined in Appendix 16 and are the correct guidance documents to reference at the time of writing;

- BR 209 BRE Site layout planning for daylight and sunlight (2022 – Third Edition)

- BS EN 17037:2018 (+A1: 2021 amendment).
- IS EN 17037:2018 (+A1: 2021 amendment).

As noted above a full review of the original appeal scheme was not carried out in accordance with the updated guidance documents. Instead, the applicant provided an update to the daylight assessment for the proposal in accordance with the guidance which was in place at the time.

Sunlight to proposed development

13.7.15. In accordance with BRE guidance a Sunlight Exposure Assessment was carried out for the proposed Section 132 development. For a domestic property, BRE guidance recommends that at least one habitable space within a dwelling should receive the recommended minimum value of 1.5 hours of sunlight on the 21st March. Of the 86 points/units tested, 65 no. (76%) meet the BRE recommendation. Where rooms do not meet the recommendation, the study states that it is because of their orientation and positioning on the elevations facing onto the internal street. The study notes that the section 3.1.11 of the IS/BS EN 17037-2018 +A1-2021 states that *'…the criterion applies to rooms of all orientations, although if a room faces significantly north of due east or west it is unlikely to be met'.*

13.7.16. I accept that the results of the assessment are constrained with the orientation of the blocks and the site itself. Furthermore, the urban design intent to provide a connection through the site results in both rectangular blocks facing onto an internal street. I also accept the applicant's assertion that the overall result on 76% of the units receiving the recommended level of direct sunlight is an acceptable level for a high-density scheme on an urban infill site. I note that all units have private open space and that the level of communal and public open space is significantly above the quantum required by the planning policy documents.

13.7.17. In terms of daylight to the proposed development, an assessment was carried out using illuminance targets on the reference plane as per Table NA.1 of BS EN 17037-2018 +A1-2021. Based on these criteria a Climate-based daylight model (CBDM) was built with appropriate software. CBDM uses an annual simulation linking location, shading, climate data and building properties. The results found that Block A achieved 94% compliance with the illuminance targets in Table NA.1 with 8 no. living/kitchen/dining (l/k/d) spaces failing to meet the recommendation. In Block

B a compliance rate of 94% was also achieved with 6 no. l/k/d's failing to meet the recommendation. the units in Block A, the majority of the units that failed to achieve the target illuminance recommendation were positioned at ground floor level, facing onto the internal street with the remainder at 1st and 2nd floor level at the same location. In Block B, the underperforming units were at 1st and 2nd level and are either north facing or facing onto the internal road.

13.7.18. Overall the results show a high level of compliance with the standards that relate to daylight. I note that section 6.7 of the 2020 Apartment Guidelines states that, *'Where an applicant cannot fully meet all of the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out…'.* Section 7.0 of Appendix 16 of the DCDP also states that, '*In exceptional circumstances, for example on a tightly configured urban site, where these minimum criteria cannot be achieved, the applicant should very clearly identify this and put forward a clear and robust rationale for compensatory measures applied to mitigate any shortfall in the minimum standards'.*

13.7.19. Compensatory measures for the proposal include,

- large floor areas for units - 74 %of units have a floor area that is 10% greater than the minimum floor area requirements in the Apartment Guidelines,
- large areas of communal open space - an additional 917m2 of communal open space is provided over the minimum requirement, and,
- large areas of public open space - the quantum of public open space proposed in in the order of 21% which is double the DCDP requirement of 10% of the total site area.

I note the benefits of the development in terms of utilising a vacant brownfield site in a serviced urban area and the proposal to increase permeability and connections. The overall scheme of 86 units would perform well in terms of daylight and sunlight, and I consider the overall provision to be acceptable given the compensatory measures and the relatively low number of units that fail to meet the recommended guidelines.

13.7.20. Regarding the external amenity spaces for the development, the assessment found that, in accordance with BR 209 guidance, 93% of the combined proposed public and communal amenity spaces would receive at least 2 hours of sunlight over their total combined area on the 21st March. The areas that did not achieve the minimum recommended levels include areas directly to the north of Blocks A and B and a section of the public area to at the centre of the site between Blocks A and B. I consider this to be acceptable given the nature of the urban site and the level of private and communal open space which is in excess of the quantum required in the development plan and the Apartment Guidelines.

13.7.21. Overall, I consider that the proposed scheme of 86-units would deliver an acceptable level of amenity for future residents in terms of daylight and sunlight to units and amenity spaces.

13.7.22. The updated results for the appeal scheme also indicate that the development would perform well in terms of daylight and sunlight. When assessed against BRE guidance in place at the time the application was made, results showed that 93% of rooms achieved the recommended level of daylight when a 1.5% ADF was applied and 85% when the higher 2% factor was applied. Whilst the guidance has since been updated, both schemes are similar in layout and orientation and would therefore be expected to achieve similar results. I am satisfied that both schemes would provide acceptable levels of amenity for future residents in terms of access to daylight, sunlight and well-lit amenity spaces.

13.8. Traffic & Transport

13.8.1. Third parties raised concerns in relation to the implications of the proposed development for ongoing traffic congestion issues within the area, the implications for road safety, the separation distance from public transport services, and the potential for overspill residents' parking onto neighbouring streets by virtue of the proposed development not being sufficiently served by on-site car parking. The grounds of appeal argue that the proposed development would have access to high-quality public transport and that the level of parking proposed is in accordance with SPPR 8 of the Apartment Guidelines and with national and local planning policy that promotes reduced levels of private car parking where there is access to public

transport. The second Section 132 notice to the applicant requested further information regarding the capacity of public transport in the surrounding area.

Car Parking

13.8.2. The development proposal for both schemes would have a total of 40 car parking spaces, as well as a car share / club space on the front slip road. Standards for car parking are contained in Table 2 of Appendix 5 of the DCDP and are maximum standards. The site is located in Zone 2, (Map J) for the purposes of transport and parking standards in the DCDP. Based on the maximum provision of 1 car parking space per dwelling (as per Table 2) this would allow for a maximum of 99 car parking spaces for the development. Third parties raised concerns that the reduced level of parking would not be sufficient to cater for the development and that it would result in overspill parking in the surrounding areas. The original report from the Roads Department of the PA also raised a concern regarding the level of parking proposed. The PA considered that the site was not centrally located to avail of a wide range of public transport options and to warrant car parking level of 0.4 car spaces per unit. At the time of writing the Bus Connects project was in the planning stage and would not be operational for a number of years and was not accepted as a rationale for justifying the low level of parking. Under the previous development plan the car parking standards allowed for a maximum of 1.5 spaces per unit. A request for further information was recommended regarding the overall parking provision. The PA's response to the information submitted by the applicant under the Section 132 notice did not revisit the original comments and provided an opinion on the Updated Public Transport Capacity report only.

13.8.3. Appendix 5 of the DCDP states that a relaxation of maximum car parking standards will be considered in Zone 1 and Zone 2 for any site located within a highly accessible location. Such proposals will be assessed against the following criteria,

- Locational suitability and advantages of the site.
- Proximity to High Frequency Public Transport services (10 minutes' walk).
- Walking and cycling accessibility/permeability and any improvement to same.
- The range of services and sources of employment available within walking distance of the development.

- Availability of shared mobility.
- Impact on the amenities of surrounding properties or areas including overspill parking.
- Impact on traffic safety including obstruction of other road users.
- Robustness of Mobility Management Plan to support the development.

13.8.4. SPPR 8 (iii) of the 2020 Apartment Guidelines states that, for proposals as specific BTR development, *'There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures'.* As the site is considered suitable for BTR development under the transitional arrangements of the 2023 Guidelines, then 'significantly reduced car parking provision' can be considered. It is of note that the updated 2023 Apartment Guidelines promote a reduced level of car parking in Central and/or Accessible Locations (i.e. within 15 minutes walking distance of city centres or centrally located employment locations, or within 5 minutes walking distance of high frequency (min 10-minute peak hour frequency) bus services) and in Intermediate Urban Locations.

13.8.5. Public transport options available to the development would be limited to bus services. However, there is a bus stop for east/outbound services directly outside the site at Grace Park Court. The closest west/inbound bus stop is on the opposite side of Beaumont Road c. 100m to the north of the site with a second c. 130m to the south. Bus stops on Beaumont Road are currently served by the No. 14 and 16 bus routes. Timetables for these services are similar in frequency with both services having a frequency of 10 minutes during the morning peak (7 – 8.30am) and frequencies of 10-12 minutes during the day. Additional bus services are available on the Swords Road bus corridor which would be c. 900m from the subject site.

13.8.6. In consideration of the criteria outlined in Appendix 5 – Transport and Mobility: Technical Requirements, of the DCDP, I consider the subject site to be suitable for a reduced level of car parking for the following reasons and based on the criteria outlined,

- Locational suitability and advantages of the site – the site is in an urban area with access to a range of services, the closest of which include a neighbourhood centre on Shantalla Road (c. 200m from the site), Ellenfield Park and Margaret Aylward Community College (c. 400m away) and Beaumont Hospital (500m away).
- Proximity to High Frequency Public Transport services (10 minutes' walk) – the site is currently served by the No. 14 and 16 bus routes that travel along Beaumont Road. Both services have a 10-minute frequency at peak morning times. The Swords bus corridor is approximately 900m from the site which is an average walk time of 13 minutes. This route will be subject to service improvements under the Bus Connects project which has been approved.
- Walking and cycling accessibility/permeability and any improvement to same – the proposal would improve permeability in the area through the delivery of a pedestrian connection through the site to Ellenfield Road.
- The range of services and sources of employment available within walking distance of the development – Beaumont Hospital is within walking distance to the subject site. DCU campus and the Omni Shopping Centre are approximately 2km from the site.
- Availability of shared mobility – the development would include a facility for car sharing.
- Impact on the amenities of surrounding properties or areas including overspill parking – this would depend on the management of public spaces outside the development.
- Impact on traffic safety including obstruction of other road users – the reduced level of parking would not have an impact on traffic safety.
- Robustness of Mobility Management Plan to support the development – a Mobility Management Plan was prepared and submitted with the proposal.

13.8.7. Notwithstanding the concerns of the PA in the original report, I consider the location of the site to be suitable for a reduced level of parking. This is based on the provisions of Table 3 of Appendix 5 of the DCDP which states that car parking standards are 'maximum' standards; the location of the site in an urban area and the

proximity of services which include employment generators and the availability of public transport which includes the Swords Road Bus Corridor. As the car parking standards are stated as 'maximum' standards, flexibility exists in their application. Therefore, I do not consider the level of car parking proposed to be a material contravention of the development plan in this matter. Furthermore, the development is a BTR development where SPPR 8 of the Apartment Guidelines allows for reduced levels of parking.

13.8.8. Concern about overspill parking in the surrounding area is valid. There is no parking control on the slip road, Beaumont Grove, Ellenfield Road or Glencorp Road at present. It is open to anybody to park on these streets. Most houses/apartments in the area have off-street parking. At the time of the site visit, there was availability for on-street parking along Ellenfield and Glencorp Road. However, submissions state that these roads are under pressure from car parking on the weekends and when matches are on in the park. As the scheme is a BTR one, it will be possible for the owner(s) to control parking demand by imposing an additional charge on tenants who wish to obtain a parking space. Should parking in the area become a problem in the future, it is open to residents to petition the Council to institute 'Residents Only' parking between certain hours.

Traffic Congestion & Safety

13.8.9. Concerns were raised by third parties about additional traffic from the development contributing to existing congestion on the road network and that access to and from the development could result in a traffic hazard. Other than providing a summary of predicted trip rates at the hourly peak times within their Engineering Assessment Report, the appellant has not undertaken any specific modelling to address the likely changes in traffic on neighbouring roads with the proposed development in place. The Roads, Streets and Traffic Department of the Planning Authority had sought the submission of a Traffic and Transport Assessment. The grounds of appeal assert that as traffic to and from the development would not exceed 5% of the traffic flow on the adjoining road (Beaumont Road), based on the thresholds contained in the Transport Infrastructure Ireland (TII) Traffic and Transport Assessment Guidelines (2014) detailed traffic assessment would not be required.

13.8.10. The applicants Section 132 response did not include an updated traffic impact analysis. However, I accept the findings of the trip generation study that traffic generated from the development in the am and pm peaks will be low and would not require additional analysis in the form of a Traffic Impact Assessment. The availability and proximity of public transport services would increase the attractiveness of using public transport rather than private car use. Overall, I consider the additional traffic generated by the development would not significantly contribute to traffic congestion in the area.

13.8.11. Concerns about traffic safety related to the potential for traffic to and from the site to cause a hazard. The report from the Roads department of the PA recommended that further information was sought regarding car parking, a car club space and cycle parking. They also identified a potential conflict between car parking spaces at the entrance to the car park and cars accessing the car park.

13.8.12. The site is accessed from a slip road off Beaumont Road, which also provides access to residences within Grace Park Court. Permission is sought to create a new vehicular access to a semi-basement level car park off the slip road, in a similar location to an existing vehicular access to the site. A pedestrian connection is proposed between the stie and Ellenfield Road but this would not allow vehicular access. It is proposed to undertake public realm improvements fronting onto the slip road as part of the access works, including a realigned footway to allow for a car share / club space. Drawing No. P016 submitted with the application illustrates sight visibility for the new access at a 2.4m setback from the roadside for a distance of 23m in both directions, as is required in the Design Manual for Urban Roads and Streets (DMURS), thereby providing for safe and convenient connections into local transport infrastructure.

13.8.13. To address the concerns of the PA, the appeal documentation included a revised layout that provides for a continuous footpath fronting the site with the potential for the car club / share space to be provided to the front of the site. Whilst the PA originally requested the removal of this space, the current DCDP promotes the use of modal sharing, such as car clubs, as an alternative to private car use, (Policy SMT27 (ii)). Should permission be granted for the development, I recommend that a condition is attached that requires the provision of a car club / car sharing space for the development.

13.8.14. In terms of vehicular safety accessing the site, I accept that the 4 car parking spaces identified by the PA, (No's 1, 2, 39 and 40) could compromise traffic movements into the site. These spaces would be located 7m to 13m from the slip road and traffic safety would be compromised at this entrance area when these spaces are being accessed or exited, as motorists entering the car park would have limited time and visibility to stop and stalling of traffic may lead to traffic backing up on the slip road. The removal of the 4 car parking spaces would reduce the number of available parking spaces further and a revised parking layout would be required. Should the Commission grant permission for the development, the omission of the four car parking spaces can be secured as a condition and a Road Safety Audit could be requested for the revised layout. The Planning Authority has also sought a car-parking management strategy to outline how the parking spaces would be assigned and managed, and this can also be sought as a condition in the event of a grant of planning permission for the proposed development.

13.9. **Public Transport**

13.9.1. The applicant was requested under a Section 132 notice to submit a report on the public transport capacity serving the subject site. Third parties also submitted that existing bus services were at capacity and operated at a reduced frequency with delays during peak hours.

13.9.2. In response to the Section 132 notice, the applicant submitted an Updated Report on Public Transport Capacity (PTCR). Third party submissions objected to the applicant's assertion that the site is within a walking distance of 650m (Figure 4, Updated Report on Public Transport Capacity) as the route shown is through the grounds of the Holy Child church which has restricted access. The response from the PA states that in terms of distances to public transport, a point at the centre of the site should be selected and a route to public transport should be selected that has safe footpaths and crossings with unimpeded 24-hour access for pedestrians. Reliance on routes through private grounds or public parks are not supported due to the potential for restriction of access. The pedestrian route shown to the Swords Bus Corridor is through the Holy Child Church grounds. On the occasion of the site visit

there was a sign on the church stating that the gates would be closed after the last service. Therefore, this route cannot be relied on.

13.9.3. The Updated Report on Public Transport Capacity notes that the site is currently served by bus services operating on Beaumont Road, R103 Collins Avenue and R132 Swords Road. Beaumont Road supports local services serving Beaumont and Dublin Airport. Collins Avenue supports the N4 orbital bus route linking Blanchardstown to Docklands. The Swords Road QBC on the R132 is one of the major bus corridors in Dublin serving Dublin Airport and Swords. Services on Beaumont Road will be replaced by Bus Connects 'D' Spine and services on Swords Road will be replaced by Bus Connects 'A' Spine.

13.9.4. The capacity report was informed by surveys carried out in October 2025 when schools and colleges were open. Bus routes passing the site are the No. 14 and the No. 16. On average there are 5 services per hour in both directions for each bus service. The report states that the site is 500m from the closest bus stop on Collins Avenue, which is served by the N4 orbital route and c. 650m from the QBC on the R132 Swords Road. Third parties disagree with the distance stated in the report from the site to the QBC on the Swords Road as this route passes through the Holy Child grounds or Ellenfield Park, both of which has restricted hours. The PA's response to the Section 132 to the Transport Capacity study states that, in terms of distances to public transport the PA consider it appropriate that a point at the centre of the site is selected and that routes should be calculated based on a route that has safe footpaths and crossings. The PA also note that routes have unimpeded 24 hour access for pedestrians and do not rely on private grounds or public grounds that can restrict access. I agree with the PA in this matter and, whilst the route selected and shown in Figure 4 of the Updated Report on Public Transport Capacity would be available throughout the day, it is subject to restrictions and cannot be relied upon for 24-hour access. The distance to the bus stops from the site via the public footpaths is approximately 900m, which equates to an average walk time of 13 minutes for an able-bodied person. I note that the distance to public transport is also addressed in Section 13.4 which relates to density and accessibility of the site to public transport.

13.9.5. Surveys were carried out during the AM peak between 7.30 and 9.00 on Tuesday the 7th October. The results found that on inbound services on Beaumont Road, there was spare seated capacity ranging from 15 to 63 seats between 7.30 and 9am,

which translates into 43% of seats filled and 57% of empty seats. On Collins Avenue the seats filled equated to 53% of the total seats on all buses surveyed and 47% of seats were empty. The Swords Road QBC has a greater number of bus services with 27 buses serving the stop between 7.30 and 9am. These buses were observed to be busier than the services at Beaumont Road and Collins Avenue with some buses having no spare capacity. The results found that for the QBC inbound services, 71% of seats were filled with 29% of total seat capacity available.

13.9.6. A population of 257 persons was projected in the survey based on an occupancy of 2.6 persons per unit. Future demand for services was based on up to 30% of residents using the bus for work or education, with 80% of these travelling southbound to the city centre and 20% northbound. The methodology assumed that of the 80% travelling southbound, 50% of these would travel during the AM peak of 8-9am. Based on these assumptions, the expected demand for southbound services during the AM peak is 31 persons. The survey concluded that the spare capacity is significantly more than the demand of the projected 31 passengers from the proposed development. The survey also notes that existing bus services will be improved by the implementation of Bus Connects.

13.9.7. Whilst I acknowledge that bus services are subject to delays in urban areas due to prevailing traffic conditions, it is evident that the site has good access to a range of good quality bus services. Objections were raised by third parties regarding the methodology applied to the survey as the general consideration was that more surveys should have been carried out. I agree that additional surveys would have given a more robust conclusion. However, I accept the methodology used as the surveys were carried out midweek, when schools and colleges were open. The applicant used information from Uisce Éireann regarding average household size and applied a figure of 30 % of future residents travelling by bus. The report does not outline where this figure was taken from. However, an examination of the Small Area Population Statistics from the 2022 Census (www.cso.ie) shows a figure of 24% of residents in the Beaumont area (SAPS Ref. A26802201) using the bus to commute to work, school or college. I note that the PA had no objection to the times or dates selected for the public transport capacity study or to the methodology and conclusions in the report. Based on the information submitted with the application, I am satisfied that the site is well served by public transport and that the existing

service has capacity to accommodate the additional population from the proposed development. I also note that the Swords QBC will be subject to upgrades under Bus Connects, which has been approved.

Pedestrian Connection

13.9.8. The Urban Design Rationale for the site was to connect the development with the wider area. This would be achieved by providing a pedestrian and cycle connection through the site to Ellenfield Road and beyond. Observers assert that the linkage to Ellenfield Road should not be provided, as this would change the character of this street and surrounding streets, whilst also serving to increase anti-social behaviour. The applicant provides extensive rationale for the new pedestrian/bicycle plaza link through the site, including the benefits in improving access to recreational facilities within Ellenfield Park, as well as bus services. The PA dis not object to this aspect of the proposal, noting that it would increase permeability in the area.

13.9.9. A Crime Prevention Officers Report (Appendix J) was submitted with the Section 132 response. This report analysed the design and layout of the development to ensure the design supports the reduction of crime opportunities and to promote community safety. The report highlighted the strengths of the development and reinforced the importance of providing a public realm that is well-lit and overlooked with defined spaces and active uses.

13.9.10. The pedestrian/bicycle plaza link would be overlooked by residential properties and, whilst it would clearly increase pedestrian movements through Ellenfield Road, the provision of this route would support development plan policy of increased permeability within the area, as well as supporting the principles contained within the National Transport Authority 'Permeability Best Practice Guide' (2015). The existing paths in the area have capacity to allow for the safe movement of pedestrians and the proposed pedestrian/bicycle plaza link would provide for increased connectivity with other walking routes, as well as the various services in the area. Whilst the provision of a connection to Ellenfield Road would increase pedestrian movement through the cul-de-sac, existing houses on the road would also benefit from enhanced permeability to Beaumont Road and beyond. No evidence has been put forward to support the claim that anti-social behaviour in the area will increase as a result of the connection. I am satisfied that the provision of

this pedestrian/bicycle plaza link would support planning policy and would not be detrimental to the safety and amenities of neighbouring residents, or to the character of the area.

14.0 **AA Screening**

14.1. A report screening for Appropriate Assessment (AA) was submitted with the planning application. The AA Screening Report provides a description of the proposed development and identifies European Sites within the possible zone of influence of the development. Since the application was first lodged, the North West Irish Sea SPA was designated. The applicant was requested to update the original Appropriate Assessment Statement to consider the North West Irish Sea SPA (Site Code 004236). The initial AA Screening Statement concluded that, *'There is the possibility that there could be detrimental effects from this development on the Natura sites in north Dublin Bay. In the absence of mitigation measures (which have not been considered at this screening stage), potential significant impacts cannot be ruled out. A Natura Impact Statement follows in respect of these sites'.*

14.1.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on North Dublin Bay SAC (Site Code 000206) and the North Bull Island SPA (SC 004006) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

14.1.2. Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the North Dublin Bay SAC (Site Code 000206) and the North Bull Island SPA (SC 004006) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed and adoption of CEMP.
- Application of planning conditions to ensure the implementation of the mitigation measures.

15.0 Water Framework Directive

15.1. A screening for the purposes of the Water Framework Directive (2000/60/EC) has also been carried out and is contained in Appendix 4 of this report. On the basis of objective information, I conclude that the proposal 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 waterbody in reaching its WFD objectives. Therefore, it can be excluded from any further assessment.

16.0 Recommendation

16.1. I recommend that planning permission is refused for the development proposing 99 units and which was submitted to the Commission on appeal.

16.2. I consider the scheme for 86 units, which was submitted to the Commission with a response to a Section 132 notice to represent a material alteration to that proposed under the public notices due to the increase in height from 3 to 4 storeys of the northern sections of Block A and Block B. In the absence of a full public consultation for this proposal, I consider it inappropriate to consider it as part of the appeal.

17.0 Reasons and Considerations

1. Having regard to the pattern of development in the vicinity, the design, height and scale of the proposed development within a suburban streetscape and its relationship with adjoining and neighbouring buildings in the immediate vicinity, it is considered that the proposed development fails to comply with the provisions of the Dublin City Development Plan 2022-2028, in particular the objectives of the height strategy set out in Table 3 of Appendix 3 and the provisions of the Urban Development and Building Height Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018 in which there is a requirement for taller buildings to form a positive response to the overall built environment as part of contributing to the urban neighbourhood and streetscape. The proposed development would be visually obtrusive and would seriously injure

the visual amenities of the area. It would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Elaine Sullivan
Senior Planning Inspector

21st September 2026

Appendix 1 - Form 1 - EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321996-25
Proposed Development Summary	Construction of 99 BTR Apartments with car parking and open space.
Development Address	Site at Beaumont Road / Beaumont Grove / Grace Park Court / Ellenfield Road, Beaumont, Dublin 9.

1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	**Yes**	X
	No	

2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10 (b) – Construction of more than 500 dwellings	Proceed to Q3.
No			

3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10 (b) – Construction of more than 500 dwellings The proposal is for 99 dwellings	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	**Screening determination remains as above (Q1 to Q4)**
Yes		

Inspector: _____ **Date:** _____

Appendix 2 - Form 2 - EIA Preliminary Examination

Case Reference	ABP- 321996-25
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 proposed development would involve the construction of 99 apartments in two blocks on a vacant site in Beaumont. The development would include all ancillary drainage works, including an attenuation basin, and connections to the public foul water and mains water system. Car parking would be provided at surface level, and no deep excavations would be required. Site clearance works would be carried out. Natural resources would be used in the construction of the development through materials and the use of the brownfield site. There are no major risks and/or disasters that are relevant to the development and the risks to human health would be from accidents occurring during the construction stage.
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 e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development site is in an urban area, with residential development to the north, south, east and west. The site is vacant and generally overgrown. There are no water courses running through the site. The site is not designated as a Natural Heritage Area (NHA) or a Proposed NHA (pNHA). It is not designated as a European site and does not adjoin a designated site. It is not located within a designated Architectural Conservation Area or within an area of archaeological interest and does not contain any National Monuments.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent,	All trees within the site would be removed. This will have an impact on local biodiversity. The overall impact will be mitigated through the implementation of a landscaping plan and by planting new trees on the site.

nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	During the construction phase noise, dust and vibration emissions are likely. However, any impacts would be local and temporary in nature, and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts. Impacts on the surrounding road network at construction stage can be mitigated by way of adherence to a Construction Management Plan. No significant impacts on the surrounding road network are considered likely at operational stage.

Conclusion	
Likelihood of Significant Effects	**Conclusion in respect of EIA**
There is no real likelihood of significant effects on the environment.	**EIA is not required.**

Inspector: _____Date: _____

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

(only where Schedule 7A information or EIAR required)

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-321996-25**	
Brief description of project	Normal Planning Appeal The development would involve the construction of two apartment buildings ranging in height from 3- to 8-storeys and containing a total of c.99 apartments. A pedestrian plaza will lie between them linking to Ellenfield Road to Beaumont Road. The development will be attached to the public systems of water supply and wastewater treatment. Run-off will be attenuated and released at greenfield rates to the existing drainage system via an oil separator and hydrobrake (or equivalent). See section 6.0 of Inspectors Report
Brief description of development site characteristics and potential impact mechanisms	The development site is currently vacant and overgrown. The surrounding development is suburban in character with residential development to the north, south, west and east. Development works would involve site clearance and removal of vegetation. Construction works for the two apartment blocks would be standard in nature and would not require deep excavations (2m maximum). Car parking would be provided at semi-basement level with a podium garden above. It is an urban site and will be served by the public water and wastewater services. There are no waterbodies on the site or adjoining the site. The closest waterbodies to the site are the Santry River, c. 1.8km to the north, and the Tolka River and Royal Canal c. 2.1km and 2.9km to the south respectively. There is a connecting stream mapped nearby though it is culverted or piped and not visible. The nearest designated sites to the appeal site are the North Dublin Bay SAC (Site Code 000206) and North Bull Island SPA (SC 004006) which are both c. 3.8km from the site.
Screening report	Y (Prepared by Rover Goodwillie & Associates)
Natura Impact Statement	Y

Relevant submissions	In response to the Section 131 notice a third party put forward that a new NIS was required.

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
North Dublin Bay SAC (0206)	Mudflats and sandflats not covered by seawater at low tide Conservation Objectives NPWS - North Dublin Bay SAC | National Parks & Wildlife Service	3.8 km overland	No direct connection	Y
North Bull Island SPA (4006)	- Wetland and Waterbirds [A999] Conservation Objectives NPWS - North Bull Island SPA | National Parks & Wildlife Service	3.8km overland	No direct connection	Y
South Dublin Bay SAC (0210)	Mudflats and sandflats not covered by seawater at low tide Conservation Objectives NPWS - South Dublin Bay SAC | National Parks & Wildlife Service	6km overland	No direct connection	N
South Dublin Bay – Tolka Estuary SPA (4024)	Sea birds Conservation Objectives NPWS South Dublin Bay and River Tolka Estuary SPA | National Parks & Wildlife Service	6km overland	No direct connection	N
North-west Irish Sea SPA (4236)	Sea birds Conservation Objectives NPWS- North-west Irish Sea SPA | National Parks & Wildlife Service	7.5km overland	No direct connection	N
Baldoyle Bay SAC (0199)	Mudflats and Sandflats Conservation Objectives NPWS - Baldoyle Bay SAC | National Parks & Wildlife Service	7.4km overland	No direct connection	N

Baldoyle Bay SPA (4016)	Sea Birds Conservation Objectives NPWS Baldoyle Bay SPA | National Parks & Wildlife Service	7.5km overland	No direct connection	N
Howth Head Coast SPA (4113)	Conservation Objectives NPWS - Howth Head Coast SPA | National Parks & Wildlife Service	8.4km overland	No direct connection	N
Malahide Estuary SPA (0205)	Sea Birds Conservation Objectives NPWS - Malahide Estuary SPA | National Parks & Wildlife Service	8.8km overland	No direct connection	N
Malahide Estuary SAC (0208)	Mudflats and Sandflats Conservation Objectives NPWS - Malahide Estuary SAC | National Parks & Wildlife Service	8.8km overland	No direct connection	N

Further Commentary / discussion

Using the Source-Pathway-Receptor model, no direct ecological or hydrological connections were identified between the subject site and any of the nearest European sites. A weak indirect hydrological connection was identified via a mapped stream along the Beaumont Grove that is culverted or piped. Details of this stream and where it discharges to were not included in the Appropriate Assessment, however, the applicant considered it had the potential to impact on the conservation objectives of the European sites of North Dublin Bay SAC and North Bull Island SPA.

Due to the enclosed nature of the development site (fully serviced) and the presence of a significant buffer area of urban development between the site and the closest waterbodies, (rivers and canal), the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors in the European Sites.

The applicant's Appropriate Assessment Screening Report included all European Sites within a 15km radius. I considered the sites using the Source-Pathway-Receptor model and excluded sites at a greater distance than 9km as the proposed development would not result in significant impacts on the conservation objectives of these sites due to the nature of the potential impacts from the development, the separation distances from the sites and the nature and characteristics of the qualifying interests for the sites.

The Screening Assessment included the newly designated site of the North-west Irish Sea SPA (4236) which was not included in the applicant's original assessment. I have considered the SPA in light of its conservation objectives and in light of the separation distances between both sites, the lack of ecological connections, the characteristics of the subject site and the qualifying interests of the SPA, it is not necessary to consider this site in further assessments.

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**
<u>Site 1</u> **North Dublin Bay SAC** **(Site Code 000206)** Mudflats and sandflats not covered by seawater at low tide [1140] - Annual vegetation of drift lines [1210] - *Salicornia* and other annuals colonising mud and sand [1310] - Atlantic salt meadows *Glauco-Puccinellietalia maritimae* [1330] - Mediterranean salt meadows *Juncetalia maritimi* [1410] - Embryonic shifting dunes [2110] - Shifting dunes along the shoreline with *Ammophila* *arenaria* (white dunes) [2120] - Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] - Humid dune slacks [2190] - Petalwort *Petalophyllum ralfsii* [1395] Reefs	Direct – None Indirect - localised, temporary, low - magnitude impacts from noise, dust and construction related emissions to surface water during construction. Additional localised disturbance from residential use (lighting and noise) during the operational stage.	The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the SCI listed. The presence of a mapped stream creates some doubt as to whether the proposed development would give rise to significant effects on the conservation objectives of the European site.

Phocoena phocoena (Harbour Porpoise)]		
	Likelihood of significant effects from proposed development (alone): Doubt exists.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	**Effects**
<u>Site 2</u> **North Bull Island SPA (Site Code 004006)** Light-bellied Brent Goose *Branta bernicla hrota* [A046] - Shelduck *Tadorna tadorna* [A048] - Eurasian Teal *Anas crecca* [A052] - Northern Pintail *Anas acuta* [A054] - Northern Shoveler *Anas clypeata* [A056] - Oystercatcher *Haematopus ostralegus* [A130] - Golden Plover *Pluvialis apricaria* [A140] - Grey Plover *Pluvialis squatarola* [A141] - Red Knot *Calidris canutus* [A143] - Sanderling *Calidris alba* [A144] - Dunlin *Calidris alpina* [A149] - Black-tailed Godwit *Limosa limosa* [A156] - Bar-tailed Godwit *Limosa lapponica* [A157]	As above.	The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed. The nature of the site is not deemed to be suitable as an ex-situ site. The presence of a mapped stream creates some doubt as to whether the proposed development would give rise to significant effects on the conservation objectives of the European site.

Curlew *Numenius arquata* [A160] - Redshank *Tringa totanus* [A162] - Ruddy Turnstone *Arenaria interpres* [A169] - Black-headed Gull *Chroicocephalus ridibundus* [A179] - Wetland and Waterbirds [A999]		
	Likelihood of significant effects from proposed development (alone): Doubt exists.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
It is not possible to exclude the possibility that proposed development alone would result significant effects on the North Dublin Bay SAC (Site Code 000206) and the North Bull Island SPA (SC 004006). An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.		

Appendix 4 – Appropriate Assessment and Determination

Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of 99 residential units in view of the relevant conservation objectives of North Dublin Bay SAC (Site Code 000206) and the North Bull Island SPA (SC 004006) based on scientific information provided by the applicant. The information relied upon includes the following: • Natura Impact Statement and Updated Appropriate Assessment Statement prepared by Roger Goodwillie & Associates. • National Parks and Wildlife Service I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.
Submissions/observations: A third party submission put forward that a new NIS was required.
North Dublin Bay SAC & North Bull Island SPA **Summary of Key issues that could give rise to adverse effects (from screening stage):** **(i) Water quality degradation (construction and operation)**

Qualifying Interest features likely to be affected	**Conservation Objectives**	**Potential adverse effects**	**Mitigation measures (summary)**
<u>Site</u> 1 - North Dublin Bay SAC (Site Code 000206)			
Mudflats and sandflats not covered by seawater at low tide [1140] - Annual vegetation of drift lines [1210]	To maintain favourable conservation condition To restore favourable conservation condition	Water quality degradation and/ or alteration of habitat would undermine conservation objectives	Best practice pollution control measures Application of industry standard controls, CEMP

- *Salicornia* and other annuals colonising mud and sand[1310]	To restore favourable conservation condition		
- Atlantic salt meadows *Glauco-Puccinellietalia maritimae*[1330]	To maintain favourable conservation condition		
- Mediterranean salt meadows *Juncetalia maritimi* [1410]	To maintain favourable conservation condition		
- Embryonic shifting dunes [2110]	To restore favourable conservation condition		
- Shifting dunes along the shoreline with *Ammophilaarenaria* (white dunes) [2120]	To restore favourable conservation condition		
- Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	To restore favourable conservation condition		
- Humid dune slacks [2190]	To restore favourable conservation condition		
- Petalwort *Petalophyllum ralfsii* [1395] Reefs	To maintain favourable conservation condition		
<u>Site 2</u> - North Bull Island SPA (SC 004006).			
Light-bellied Brent Goose *Branta bernicla hrota* [A046]	To maintain favourable conservation condition	Water quality degradation and/ or alteration of habitat and foraging quality would undermine conservation objectives	Best practice pollution control measures Application of industry standard controls, CEMP
- Shelduck *Tadorna tadorna* [A048]	To maintain favourable conservation condition		
- Eurasian Teal *Anas crecca* [A052]	To maintain favourable conservation condition		
- Northern Pintail *Anas acuta* [A054]	To maintain favourable conservation condition		
- Northern Shoveler *Anas clypeata* [A056]	To maintain favourable conservation condition		

- Oystercatcher *Haematopus ostralegus* [A130]	To maintain favourable conservation condition		
- Golden Plover *Pluvialis apricaria* [A140]	To maintain favourable conservation condition		
- Grey Plover *Pluvialis squatarola* [A141]	To maintain favourable conservation condition		
- Red Knot *Calidris canutus* [A143]	To maintain favourable conservation condition		
- Sanderling *Calidris alba* [A144]	To maintain favourable conservation condition		
- Dunlin *Calidris alpina* [A149]	To maintain favourable conservation condition		
- Black-tailed Godwit *Limosa limosa* [A156]	To maintain favourable conservation condition		
- Bar-tailed Godwit *Limosa lapponica* [A157]	To maintain favourable conservation condition		
Curlew *Numenius arquata* [A160]	To maintain favourable conservation condition		
- Redshank *Tringa totanus* [A162]	To maintain favourable conservation condition		
- Ruddy Turnstone *Arenaria interpres* [A169]	To maintain favourable conservation condition		
- Black-headed Gull *Chroicocephalus ridibundus* [A179]	To maintain favourable conservation condition		
- Wetland and Waterbirds [A999]	To maintain favourable conservation condition		

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects view of conservation objectives

Water quality degradation - Pollution from concrete and oil/fuels could result in changes to water quality and vegetation which could impact on the QIs.

Mitigation measures and conditions-
Mitigation measures are listed in Section 3.4 of the NIS and in the Outline Construction & Environmental Management Plan which accompanied the application.

The measures are designed to protect water quality during the construction and operational phases. They include standard measures such as good construction practice in accordance with relevant guidelines and site-specific measures such as the installation of silt traps, stockpiling materials away from drains and appropriate storage of chemicals.

Post construction measures require the use of a petrochemical interceptor for surface water prior to discharge to the public system in compliance with the requirement s of the Water Pollution Acts.

In-combination effects

The applicant did not consider the potential for in-combination effects. In the absence of this information, I carried out a desk top survey to determine if any plans or projects in the vicinity of the site would result in in-combination effects on any European sites. I am satisfied that any extant planning permissions in proximity to the site are small in scale and would have no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone will not adversely affect the integrity of the European sites. I carried out a review of plans and projects in the area and conclude that the proposed development, in combination with any plans or projects, will not adversely affect the integrity of the European sites.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of polluted surface water runoff. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the North Dublin Bay SAC (Site Code 000206) and the North Bull Island SPA (SC 004006). Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on North Dublin Bay SAC (Site Code 000206) and the North Bull Island SPA (SC 004006) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the North Dublin Bay SAC (Site Code 000206) and the North Bull

Island SPA (SC 004006) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed and adoption of CEMP.
- Application of planning conditions to ensure the implementation of the mitigation measures.

Appendix 5 WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-321996-26	**Townland, address**	Beaumont, Dublin.
Description of project		Construction of 99 build to rent apartments in two blocks with associated landscaping, parking and ancillary works. The development would be connected to the public wastewater and foul water services.	
Brief site description, relevant to WFD Screening,		The site is a brownfield site in an urban area and is connected to the public wastewater and foul water services. Its topography is mainly flat and there are no watercourses within the site. The Santry River flows eastwards, approximately 1.8km to the north of the site. The River Tolka and the Royal Canal are to the south of the site at an overland distance of c. 2.1km and 2.9km respectively. The site is in Flood Zone C. A Flood Risk Assessment was carried out for the development and found that the development would not be at risk from flooding and would not add to the risk of flooding.	
Proposed surface water details		Surface water from the development will be managed on site using SuDS features, including a green roof, tree pits, petrol interceptor and underground attenuation tank. Surface water will then outfall to the existing surface water network at a restricted rate.	
Proposed water supply source & available capacity		It is proposed to tie in the existing 100mm water network on the site with the existing water network in Grace Park Road. A pre-connection enquiry was submitted to Uisce Éireann as part of the original application. The UE Capacity Register (accessed in September 2026) for water supply in Dublin City and Suburbs states that there is	

	'Potential Capacity Available – LoS improvement required' to support 2035 population targets.
Proposed wastewater treatment system & available capacity, other issues	Foul water from the development would drain via gravity to a newly constructed manhole in the eastern corner of the site which will outfall to the Beaumont Wastewater Pump Station on the opposite side of the road. From here it is pumped into the 300mm rising main located along the eastern boundary of the subject site. A pre-connection enquiry was submitted to Uisce Éireann as part of the original application. UE responded that a wastewater connection was feasible without infrastructure upgrades. The UE Capacity Register (accessed in September 2026) for wastewater in Dublin City and Suburbs states that there is *'Potential Capacity Available – LoS improvement required'* to support 2035 population targets.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	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) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
Canal Waterbody	**Royal Canal Main Line (Liffey and Dublin Bay) IE_09_AWB_RCMLE** (c. 2.9km to the south – overland)	Good	Under review	None identified on EPA map.	Potential pathway for surface water runoff from construction activities.	Outline CEMP – mitigation measures for construction phase. Onsite attenuation, SuDS,	Mitigation is sufficient to manage pollutants in surface water run-off.

						hydrobrake and petrol interceptors will be used for the operational phase.	
River	**Santry River IE_EA_09S010300** (c. 1.8km to the north – overland)	Poor	At Risk	Urban Run-off	Pathway via surface water drainage during the construction and operational phase.	As above	Mitigation is sufficient to manage pollutants in surface water run-off.
	Tolka River IE_EA_09T011150 (c. 2.1km to the south – overland)	Poor	At Risk	Urban Run-off	As above	As above	As above
Groundwater	**Dublin groundwater body IE_EA_G_008**	Good	Under review	None identified	Pathway via subsoils on the site.	As above	Mitigation is sufficient to manage pollutants in surface water run-off and to prevent spills.