



An
Bord
Pleanála

Inspector's Report PL06D.248397

Development

Completion of 492 apartments in 3 fourteen storey blocks, including a retail unit, a café, and a crèche in Block 1. Modifications and completion of three basement levels and revised ramp access arrangements, and landscaping and all ancillary works.

Location

Rockbrook, Sandyford Business Estate, Dublin 18.

Planning Authority

Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D16A/0697

Applicant(s)

IRES Residential Properties Ltd

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party -v- Decision

Appellant(s)

IRES Residential Properties Ltd

Observer(s)

An Taisce

Lakelands Residents Association

Stillorgan Wood Residents
Association
Aoife Culleton

Date of Site Inspection

20th July 2017

Inspector

Hugh D. Morrison

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	8
3.4. Third Party Observations	8
4.0 Planning History.....	8
5.0 Policy Context.....	10
5.1. Development Plan.....	10
5.2. Natural Heritage Designations	11
6.0 The Appeal	11
6.1. Grounds of Appeal	11
6.2. Planning Authority Response	13
6.3. Observations.....	13
6.4. Further Responses.....	16
7.0 Assessment.....	16
8.0 Conclusion and Recommendation	42
9.0 Reasons and Considerations.....	44

1.0 Site Location and Description

- 1.1. The site is located in the north western block of the former Sandyford Industrial Estate. This block is bound to the north and west by Blackthorn Drive and to the east and south by Ballymoss Road and Carmanhall Road, respectively. Both the north/south and, more recently, the east/west sections of Blackthorn Drive connect further to the south and west with the Drummartin Link Road (R133). This Link Road connects Sandyford to the M50 at Junction 14. At a short distance to the east of the site is the Luas Stillorgan stop.
- 1.2. The main body of the site is of square shape and it extends over the western half of the aforementioned block. The remaining portion of the site comprises a strip of land that extends to the east alongside Carmanhall Road. The overall site has an area of 2.92 hectares and it would originally have been subject to gradients that sloped downwards in a northerly direction.
- 1.3. The site has been partially developed under its parent permission and subsequent modifications to this permission to provide a multi-storey mixed use development that is complete and operational in the northern portion of the site. This development comprises retail, commercial, and residential uses in Blocks denoted as A and D. In the south western corner of the site is Block C, which is part 6 and part 14 storeys and which has been constructed to floor plate stage only. A through route for pedestrians has been laid out between Blackthorn Drive (east/west axis) and Carmanhall Road. This route passes between Blocks A and D on an upwards incline, which culminates in a focal point with a sculpture. A further pedestrian route runs to the south of Block D.
- 1.4. The current proposal would be sited in the remaining central and eastern portions of the southern half of the site. These portions have been partially developed to provide three basement levels of car parking, which are presently accessed only off Blackthorn Drive (east/west axis). They maintain a frontage along their southern boundary with Carmanhall Road, opposite which is the multi-storey mixed use development of the Beacon South Quarter.

2.0 Proposed Development

2.1. The proposal would entail the completion of the Rockbrook development (originally permitted under D05A/1159) to provide for the following:

- 3 x fourteen storey residential blocks comprising 492 apartments (410 two-beds and 82 one-beds ranging in size from c. 51 sqm to c. 89 sqm).
- 1 retail unit (c. 152 sqm), 1 café (c. 148 sqm), and 1 crèche (c. 374 sqm) with outdoor play area at Block 1.
- Modifications to and completion of basement (3 levels) now providing 1,551 car spaces, 849 bicycle spaces, apartment storage, bin storage, and plant/service areas.
- New basement ramp access from Carmanhall Road and modifications to existing access from Blackthorn Drive with removal of temporary ramp to Level – 2.
- Landscape works, including completion of boulevard/civic space and provision of 3 communal court yards.
- All associated site development works, services provision, and boundary treatment works.

The proposal would have a total gross floor area of c. 57,256 sqm (56,582 sqm residential and 674 sqm retail/commercial) and it would be sited in that portion of the overall site which formerly would have accommodated Blocks E and F. The total gross floor area of the existing development (Blocks A, C, and D), which would be retained, is 59,097 sqm and so the overall total gross floor area now envisaged would be 116,353 sqm.

The Rockbrook development is served by a basement car park over three storeys. This car park has 1,551 spaces, of which 1,007 are committed to Blocks A, C, and D and so 544 would serve the current proposal.

Following receipt of further information, the proposal was revised to show the omission of one and two storeys from Blocks 2 and 3 and so across all three Blocks there would be a descent from fourteen to thirteen to twelve storeys in an easterly direction away from the Sentinel building. Consequently, the number of proposed

apartments would contract to 456, i.e. 76 one-bed and 380 two-bed. At the appeal stage, the applicant has proposed some further revisions to the ground floors of each of the Blocks, which would result in the reapportionment of apartments within the new total of 456 to 82 one-bed and 374 two-bed.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was refused for the following reasons:

1. *Having regard to the design of the proposed development, in particular its height, massing, scale and bulk, it is considered that the proposed development would not relate positively to its receiving environment and that it would dominate the larger Rockbrook site and would also detract from the visual dominance of the Sentinel building, which as yet unfinished is the visual entry point to the overall site. The proposed development would compete with this building. The proposed development would have an overbearing impact, would result in an oppressive built environment and would be visually unacceptable at this location. The proposed development would set an undesirable precedent, seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the wind impact on the site and the effects of the microclimate created by this development, in particular the level of amenity upper floor balconies would provide to future residents, coupled with the proposed access arrangements to the lobbies of these buildings through a lift shaft, creating both amenity and personal security concerns, along with the excessive length and minimal width of internal access corridors, it is considered that the proposed development would not provide for a high quality living environment for future residents of the scheme, would fail to create a positive “sense of place” and therefore would be contrary to the zoning of the site, “To consolidate and complete the development of the Mixed Use Inner Core to enhance and reinforce sustainable development”, and the proper planning and sustainable development of the area.*

A note was added to the draft decision stating that there were a number of significant issues beyond the matters encapsulated in the reasons for refusal that would need

to be addressed under any future application. These issues are outlined in the case planner's report.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information sought on 39 items, the majority of which were responded to satisfactorily by the applicant. Outstanding matters were either encapsulated in the reasons for refusal or could, in the absence of these reasons, have been the subject of a request for clarification of further information. Some could have been addressed by means of conditions if a decision to grant had been made.

3.2.2. Other Technical Reports

- **Surface Water Drainage:** Clarification of further information requested with respect to flood risk and mitigation matters.
- **Parks and Landscape Services:** Following receipt of further information, standard conditions requested.
- **Housing:** Following receipt of further information and the reduction of apartments from 492 to 456, no additional Part V obligation arises other than that already satisfied by way of the development of the overall site to date.
- **Transportation Planning:** Following receipt of further information, commentary is provided with respect to item 25, insofar as concern is expressed over a shortfall of 142 car parking spaces, item 26, insofar as discrepancies exist in the presentation of public footpaths, item 27, insofar as the stacking of bicycles is regarded as inappropriate, and item 39, insofar as 4% of car parking spaces should be identified as car share/car hub spaces.
- **Architects:** Following receipt of further information, objection is raised with respect to the heights of the proposed blocks and the limited separation distances between them, which would lead to poor levels of lighting. A reduction in their height is suggested to 111m OD or eight storeys.

3.3. Prescribed Bodies

- TII: Following receipt of further information, no observations.
- NRA: Supports the proposal and requests that the design of access routes and parking facilities for cyclists in the basement should comply with Section 8.2.4.10 of the CDP.
- HSE Environmental Health: Standard comments.
- Air Quality and Noise Control Unit: Standard conditions requested.
- Irish Water: No objection, standard observations made.

3.4. Third Party Observations

See observers comments below.

4.0 Planning History

The former Allegro or Rockbrook site

The planning history of the site is summarised in the applicant's EIS on pages 18 – 21. Key aspects of this history with respect to the current proposal are set out below:

The parent permission

D05A/1159 & PL06D.215205: Permission for the site was granted on 7th June 2006 and it has been partially implemented, i.e. Blocks A and D have been completed, Block C has been partially constructed, and the overall basement, including that to Blocks E and F, has been substantially constructed. Extended until 20th July 2016.

Mixed-use development in 6 blocks: 847 residential units (142 one-bed, 621 two-bed, 76 three-bed, and 8 four-bed), shops and services/eateries (11,794 sqm), offices (10,761 sqm), and a crèche (374 sqm).

- Block A (situated facing Blackthorn Drive (east/west axis)): 6 – 12 storeys (maximum height 42.18m): 208 apartments and shops/services (2,687 sqm),
- Block B (situated internally on the site and adjacent to Blocks A and C): 2 storey restaurant and community building (maximum height 8m),

- Block C (situated facing Blackthorn Drive (north/south axis), the Sentinel Building): 6 – 14 storeys (maximum height 55m): offices (10,761 sqm),
- Block D (situated facing Blackthorn Drive (east/west axis)): 6 – 8 storeys (maximum height 28m): 211 apartments and shops/services (3,316 sqm) and crèche,
- Block E (situated facing Carmanhall Road): 7 – 15 storeys (maximum height 49.15m): 229 apartments and shops/services (1,751 sqm), and
- Block F (situated facing Carmanhall Road): 7 – 9 storeys (maximum height 31m): 238 apartments and shops/services (3,796 sqm).

Modifications to the parent permission:

Blocks A and D

- **D06A/1704 & PL06D.222779**: Block A: Amongst other things, omission of 10th and 11th floors and amendments to sections of 5th and 9th floors (maximum height 36.1m), and reduction in apartments from 208 to 195: Permitted and implemented.
- **D07A/0069 & PL06D.223245**: Block D: Amongst other things, increase in apartments from 211 to 224: Permitted and implemented.

Blocks E and F

- **D07A/0822**: Block F: Amongst other things, alterations to height to facilitate 5 – 14 storeys (maximum height 46.5m), increase in apartments from 238 to 323, and amendments to shops/eateries to provide 6 of the former (3,471 sqm) and 2 of the latter (810 sqm): Permitted and implemented as far as podium above basement.
- **D07A/1106**: Block E: Amongst other things, alterations to height to facilitate 8 – 14 storeys (maximum height 48.31m), decrease in apartments from 229 to 168: Permitted and unimplemented.

Block C

- **D09A/0117**: Modification and retention of constructed core, omission of entrance reception, and addition of 13 storey glazed corner atrium: Permitted and unimplemented.

- **D13A/0457:** Amongst other things, increase in floorspace from 13,213 to 13,698 sqm to facilitate eatery and additional offices: Permitted, until 20th July 2016, and unimplemented.

Overall basement

- **D07A/0975:** Amongst other things, modifications to two basement levels and the addition of a third level resulting in an increase of 75 spaces to 1,796: Permitted and partially implemented. Extended until 20th July 2016.

The former Aldi or Tivway site (to the east of the former Allegro or Rockbrook site)

- **D07A/0619:** Mixed-use development composed of 6 blocks of 6 – 14 storeys (maximum height 47.5m) over a 3 storey basement and incorporating a new pedestrian boulevard and plaza.

5.0 Policy Context

5.1. Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 (CDP), the site is shown as being within the area encompassed by the Sandyford Urban Framework Plan (SUIP), which is attached as Appendix 15. This Plan shows the site as being the subject of MIC, “To consolidate and complete the development of the mixed use inner core to enhance and reinforce sustainable development.” It also shows Blackthorn Avenue to the north and west of the site as being a proposed quality bus/priority bus route.

The CDP identifies the following Specific Local Objectives for the vicinity of the site:

- To the south east, Nos. 119 and 121 identify variously a civic park and pocket park for the corner of Corrig Road and Carmanhall Road and for the southern side of Carmanhall Road opposite the site.
- To the west, No. 112 identifies a site for primary and secondary schools off Benildus Avenue.

Maps numbered 1 – 3 of the SUIP show the site as variously lying within Zone 1, “Mixed core area – inner core”, with a plot ratio of 1: 4, and a permitted/developed height limit of 5 – 14 storeys. Drawings numbered 6, 10, and 12 show a diagonal

pedestrian route running from Blackthorn Avenue (east/west axis) to Carmanhall Road through the western portion of the site. The latter two drawings indicate that this route could be a cycle route, too, and Drawing No. 10 also shows an urban plaza towards the north western corner of the site.

5.2. Natural Heritage Designations

n/a

6.0 The Appeal

6.1. Grounds of Appeal

In relation to the first reason for refusal:

- The applicant begins by reviewing the planning history and relevant planning policy context of the site and the adjoining site to the east. It observes that this history has directly informed the provisions of the SUFP, which has been incorporated in the CDP. Attention is thus drawn to the density and height standards for the site and to the fact that the Sentinel Building is not identified as a landmark building/building of notable design. Attention is also drawn to Section 3.2.1 of the SUFP and the presumption in favour of achieving stated building height limits and to the general pattern of perceived descending building heights from the Beacon South Quarter to the Rockbrook site.
- The applicant takes exception to the status that the Planning Authority attaches to the Sentinel Building, which, viewed in the light of the planning history of the site and the adjoining site to the east and its non-endorsement in the SUFP, is unwarranted. It suggests that the Authority may have been unduly swayed by the existing presence of this building, which fails to represent that which was envisaged in the said history and the current SUFP.
- The applicant compares the current proposal with its predecessor and contends that the change from a court yard format to 3 blocks orientated on north/south axes would ensure better lighting of apartments.

- The applicant also contends that, given the site-specific requirements of the SUFP that it would fulfil, the current proposal would avoid any adverse precedent.

In relation to the second reason for refusal:

- The applicant draws attention to the proposal's compliance with a raft of more substantial factors that affect amenity. Other factors cited by the Planning Authority are discussed below.
- Particularly windy conditions would affect certain upper floor balconies in the western elevations of Blocks 1 and 2. Winter gardens are now proposed for the eleventh floors and above and higher balustrades of 1.5m for the fifth to the tenth floors. These measures would overcome the Planning Authority's concern in this respect, while being consistent with acceptable lighting levels.
- The Planning Authority's concern that certain entrances would entail a lift lobby only is addressed by means of revised plans, which show a new entrance lobby area in addition to a lift lobby. This revision would necessitate the re-specification of 6 two-bed apartments as one-bed ones. The resulting mix of apartments would still comply with Section 8.2.3.3(iii) of the CDP, i.e. 82 one-bed (18%) and 374 two-bed (82%).
- The Planning Authority's concern over corridor lengths is mis-placed as residents would access their apartments via only a short length (at most 22m) of these corridors, given the positioning of lifts and stairs along them. Furthermore, views along the corridors would be broken up by the installation of fire doors and they do not need to be "well lit" but only "where possible with some natural light", under the relevant Guidelines. Examples of permitted apartment blocks with long corridors elsewhere in Dun Laoghaire-Rathdown are cited.

Without prejudice to the above grounds of appeal, if the Board has concerns over the height of the proposal or the provision of commercial/residential services on the ground floor, then the applicant would welcome the opportunity to address these concerns under a Section 132 request, as it is eager to complete the Rockbrook site.

6.2. Planning Authority Response

The Planning Authority has responded to the above cited grounds of appeal. It considers that the first reason for refusal remains valid. In relation to the second, it considers that the applicant has failed to recognise that qualitative as well as quantitative factors are relevant to the establishment of a satisfactory standard of amenity. Nevertheless, the changes to lobby arrangements and the measures to mitigate the impact of wind are, variously, welcomed and acknowledged.

Attention is drawn to the note attached to the draft refusal, which relates to other outstanding issues such as the absence of community provision beyond that of the crèche and the encroachment of Block 1 into the urban plaza shown on Drawing No. 10 of the SUFP. The advice of the Surface Water Drainage Section pursuant to the receipt of further information is also reiterated.

6.3. Observations

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- Over-development,
- Excessive overshadowing, and
- Lack of children's play areas.

Lakelands Residents Association

- The proposal would overshadow adjacent properties and thus be seriously injurious to residential amenity, something which the SUFP seeks to avoid.
- The reductions in height secured under further information fail to address the Planning Authority's concerns and too much of the quantum of development identified by the SUFP for the combined former Allegro and Aldi sites would be used up by the proposal.
- Attention is drawn to the existing visual impact of the Sentinel Building which would be increased by the proposal. The selection of locations for the visual assessment of the proposal is critiqued on the basis that too few of these are from surrounding established residential areas.

- Support is given to the Planning Authority's reasons for refusal and to the accompanying note.

Stillorgan Wood Residents Association

- The proposal would overshadow and overlook adjacent properties and thus be seriously injurious to residential amenity, something which the SUFP seeks to avoid.
- The Planning Authority's first reason for refusal is supported. The proposal would add to the visual dominance and intrusiveness of the Sentinel Building, a building which itself should be considered to be unauthorised since its permission expired last year.
- Reference by the applicant to a presumption in favour of building height needs to be qualified by the full provisions of Section 3.2.1. of the SUFP.
- Attention is drawn to the existing visual impact of the Sentinel Building which would be increased by the proposal. The selection of locations for the visual assessment of the proposal is critiqued on the basis that too few of these are from surrounding established residential areas. Attention is also drawn to the difference in ground levels of 10m between Stillorgan Woods and the site, which is the equivalent of three storeys.

Without prejudice to the above observations, if a Section 132 request is made, then heights of 8 – 10 storeys would be appropriate.

Aoife Culleton of 632 The Cubes 8 Beacon South Quarter

- The observer resides in an apartment, which she purchased in 2008 when the parent permission for the site was extant. She considers that the current proposal would not accord with the following provisions of the SUFP:
 - Sections 1.5 and 1.5.1: The design of the proposal would be out of keeping with surrounding buildings and it would fail to bring vibrancy to the area. The rental of the proposed apartments would militate against the quest to build a local community.
 - Section 1.6(b): The proposal would "lack co-ordination and rationale" as they would not align with surrounding buildings.

- Section 1.6.2 states that it is unrealistic to expect the same levels of densification in the future and yet this is what is proposed.
 - Section 2.2.2.1: The provision of 492 apartments would be unsustainable.
 - Section 2.3.2.2: While future housing should be located in residentially zoned lands, the proposal would fail in this respect.
 - Section 2.4.2(e): Sandyford is not required for the provision of a significant amount of the County's new housing. Such housing should be accompanied by appropriate amenity spaces, which would be lacking in the current proposal.
 - Section 3.2.1: The height of the proposal would militate against the provision of/the maintenance of a satisfactory standard of residential amenity.
 - Section 3.5.1: Far from providing a connection with surrounding buildings, the proposal would overwhelm them.
- Public transport is already full at peak times and connections to Dun Laoghaire and the wider network are limited.
 - Deliveries disturb residents as it is.
 - The road network is susceptible to chronic congestion and so the additional traffic generated by the proposal would be unacceptable.
 - The area lacks green spaces, especially for children, and this situation would worsen with the proposal.
 - Attention is drawn to the Part V condition attached to the parent permission. The current proposal would fail to comply with the County's Housing Strategy.
 - Documents and plans submitted as further information simply serve to underline the lack of compliance with the aforementioned provisions of the CDP. The impact on actual public transport services is not identified.
 - The applicant's approach to setting rents is critiqued.
 - The applicant's approach to the use of a communal space in the Beacon South Quarter is critiqued.

Without prejudice to the above observations, the observer accepts that the site needs to be completed. The template of the parent permission should be followed in this respect. Nine storeys should be the maximum height and public green space, as distinct from just communal court yards, should be incorporated within any future proposal.

6.4. Further Responses

n/a

7.0 Assessment

I have reviewed the proposal in the light of national planning guidelines, the CDP, the SUFP, relevant planning history, and the submissions of the parties and the observers. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Planning policy,
- (ii) Amenity,
- (iii) Development standards,
- (iv) EIA, and
- (v) AA.

(i) Planning policy

7.1.1 Under the CDP, which incorporates the SUFP in Appendix 15, the site is shown as lying within one of two blocks that are zoned 1 “MIC”, i.e. mixed use core area – inner core, wherein the objective is “To consolidate and complete the development of the mixed use inner core to enhance and reinforce sustainable development.” Within this zone, all the uses comprised within the proposal are permitted in principle.

7.1.2 Residential uses are subject to Objective MC4, which states that within Zone 1 and Zone 2 “MOC”, i.e. mixed use core area – outer core, the number of additional residential units is limited to c.1,300. As of October 2014, there were extant permissions for 835, amongst which were included the 491 units

comprised in Blocks E and F (as modified). In the meantime, the extant permissions for these Blocks has expired and so the current proposal would entail their revival. As originally submitted, 492 units were proposed, and, as subsequently revised, 456 units are proposed and so, under either scenario, the proposal would comply with the limitation in additional units cited under Objective MC4.

7.1.3 Map No. 2 of the SUFP shows the site as being the only one in Sandyford with a plot ratio of 1: 4. The current site has an area of 2.92 hectares and it encompasses existing and proposed development with a total gross floor area of 116,353 sqm. Thus, the plot ratio for this site would be 1: 3.99 and so it would comply with that which is cited in Map No. 2.

7.1.4 Objective DS3 states that, where plot ratios are greater than 1: 2, the layout of sites should take the form of streets in order to contribute to the vibrancy of core areas. As originally envisaged under the parent permission for the site and the adjoining Tivway site to the east, the development would have incorporated a street network, which would have comprised a diagonal pedestrian boulevard between Blackthorn Drive (east/west axis) and Carmanhall Road and a parallel diagonal pedestrian boulevard from Blackthorn Drive to an east/west pedestrian boulevard, which would run across the two sites. The first of these boulevards has been provided through the current application/appeal site, along with the third as far as the boundary with the Tivway site. However, as the Tivway site has not been developed to date, the second boulevard has not been provided.

7.1.5 Map No. 3 of the SUFP shows the site as having a permitted/developed height limit of 5 – 14 storeys. To the south of this site, the Beacon South Quarter has this height limit, too, as does the southern portion of the Tivway site. The remainder of the Tivway site and the site which adjoins the Beacon South Quarter have proposed building height limits of 6 storeys and to the west, on the far side of Blackthorn Drive (north/south axis), Stillorgan Business Estate has a proposed height limit of 2 storeys. Thus, the SUFP clearly envisages that the height of development on the application/appeal site should be appreciably greater than that exhibited by the bulk of development to the east and west.

7.1.6 Objective BH1 of the SUFP seeks to ensure that the height limits shown in Map No. 3 are adhered to, subject to proposals making a positive contribution to built form. In this respect, the following considerations are of relevance:

- Location,
- The function of the building in informing the streetscape,
- Impact on open space and public realm, in particular shadow impact,
- Impact on adjoining properties, and
- Views into the area.

Several of these considerations overlap with topics discussed elsewhere in my assessment. I will, therefore, confine my remarks at this stage to the relationship that would exist between the proposed blocks and the public realm.

7.1.7 Drawing No. 10 of the SUFP shows an urban plaza in conjunction with the diagonal pedestrian boulevard that passes through the western half of the site. The extent of this plaza overlaps with the footprint of proposed Block 1 and the residential amenity space between this Block and proposed Block 2. Under Item 32 of the Planning Authority's request for further information, this overlap was identified and the applicant was invited to revise its layout to include the urban plaza. By way of response, attention was drawn to drawing no. 16DR07-DR-300 and the re-siting of the urban plaza, in effect, in a position at the southern extremity of the boulevard beside Carmanhall Road.

7.1.8 During my site visit, I observed that the diagonal pedestrian boulevard is insitu and that it functions as a well-used pedestrian route between Blackthorn Drive (east/west axis) and the Luas Stillorgan Stop beyond and Carmanhall Road and the Beacon South Quarter beyond. This boulevard rises in a southerly direction between the existing Blocks A and D and it connects with an east/west pedestrian boulevard, which runs along the southern side of Block D, to the east, and which is intended to extent fully to the west to Blackthorn Drive (north/south axis) on the completion of Block C. Where these two boulevards meet there is a public sculpture. The clear lines of sight along the diagonal boulevard ensure that this route enjoys both good connectivity and legibility at

present. In addition to pedestrian use, it is used as a venue for a lunchtime market every Tuesday.

7.1.9 The aforementioned boulevards were authorised under the parent permission for the site and its subsequent modifications. The diagonal boulevard was to have been accompanied on its western side by Block B, a two storey restaurant (244 sqm) and community building (185 sqm). This Block has now been omitted from the proposal for the site, as its footprint would be needed to accommodate the re-routed diagonal boulevard around proposed Block 1, the northern portion of which would project fully into the existing boulevard.

7.1.10 I am concerned that the layout of the proposal would interrupt the existing route of the diagonal boulevard, thereby negating the good legibility that this route enjoys at present, and it would lead to the displacement of the urban plaza to a position where it would cease to fulfil the role of a focal point to the on-site street network. While the aforementioned drawing shows the retention of the public sculpture in its present position, under the proposal such retention would become incoherent, as it would cease to denote the said focal point.

7.1.11 I conclude that the proposal would be acceptable in principle from land use and density perspectives. However, the layout of this proposal would not be as attractive from pedestrian permeability and legibility perspectives as that which pertains at present. The relationship between the proposed blocks and the public realm is of importance to the issue of height, too, a matter to which I will return below in my assessment (cf. subject (f) landscape and visual, under heading (iv) EIA).

(ii) Amenity

7.2.1 Several factors have a bearing on the amenities of existing residential properties in the vicinity of the proposed Blocks 1, 2 and 3. Amongst these factors daylighting and sun lighting are of importance and they were explored by the applicant under Item 6 of the Planning Authority's request for further information.

7.2.2 The applicant's "Right to Light" Report examines the impact of the current proposal upon the residential units in the south westerly facing elevations of

Blocks A and D and compares this impact with the one that would have arisen had the previously permitted Blocks E and F been constructed.

7.2.3 I acknowledge that the previous parent permission and subsequent modification permissions for Blocks E and F have expired and so they no longer constitute material planning considerations. That said the provisions set out in the SUFP for the site, which are incorporated in the current CDP, do explicitly reflect what was previously envisaged for this site and so, as an example of what could have reasonably been anticipated for it, these permissions remain illustrative.

7.2.4 The said Report draws attention to the “unrealistic” existing baseline provided by the undeveloped nature of the site for Blocks E and F to the south of the elevations in question. This Report also draws attention to the incidence of balconies on these elevations and how this incidence has a bearing on the lighting of windows beneath these balconies. It proceeds to use the methodologies for tracking daylighting and sun lighting set out in BRE Guidelines entitled “Site Layout Planning for Daylight and Sunlight: A Good Practice Guide” (2011) with some caution, i.e. the Vertical Sky Component (VSC), the No Sky Line (NSL), and the Annual Probable Sunlight Hours (APSH).

7.2.5 In relation to daylighting and Block A and the current proposal, 106 windows are identified, of which 11 would be compliant with VSC and 88 would be compliant with NSL. Of the remaining 7 windows, the applicant contends that they would enjoy good VSC levels for an urban, as distinct from a suburban, location.

7.2.6 In relation to sun lighting and Block A, of the 106 windows, 74 would be compliant with APSH and, of the remaining 32, 14 would be just below the relevant amount, and 18 would be further below this amount.

7.2.7 In relation to Block D, 176 windows are identified and daylighting levels are examined for the current proposal and the aforementioned previous permissions. Thus, under VSC, 46 windows would be compliant under the former scenario and 76 under the latter, and, under NSL, of the remaining windows, 92 and 81 would be compliant under these scenarios.

7.2.8 In relation to sun lighting and Block D, under the aforementioned scenarios, 74 compared to 110 windows would be complaint under APSH.

7.2.9 The current proposal would thus lead to poorer lighting outcomes for Block D. Returning to Block A, I consider that a comparison with the previously permitted development would have been of assistance in this case, too. I anticipate that such comparison would indicate that, due to the greater proximity and height of Block 1 as distinct from the former Block F, the daylighting and sun lighting of Block A would be poorer.

7.2.10 I conclude that the lighting levels for the nearest existing apartments to the north east of the proposed Blocks 1, 2, and 3 would compare unfavourably “in the round” from those that would have pertained had the previous permissions for Blocks E and F been implemented.

(iii) Development standards

7.3.1 Under Section 8.2.3.3(iii) of the CDP, apartment developments should provide a mix of units to cater for different household sizes. Accordingly, no more than 20% of apartments should be one-bed units and at least 20% of apartments should have a floorspace in excess of 80 sqm.

7.3.2 The proposal is the subject of three iterations. As originally submitted, it would comprise 492 apartments (82 one-bed and 410 two-bed (the majority of which would be in excess of 80 sqm)), as amended under further information, it would comprise 456 (76 one-bed and 380 two-bed), and as revised at the appeal stage it would comprise 456 (82 one-bed and 374 two-bed). Thus, under each of these iterations, the proposal would accord with the parameters set out in Section 8.2.3.3(iii) for apartment mix.

7.3.3 The Sustainable Urban Housing: Design Standards for New Apartments Guidelines (hereafter referred to as the Guidelines) set out minimum floor areas for different sizes of apartments and for rooms within such apartments. The applicant has submitted a “Residential Quality Audit”, which demonstrates compliance with these minimum floor areas. Where internal storage space would be slightly sub-standard in certain one-bed apartments, the applicant undertakes to compensate by means of additional basement storage space that would be dedicated to the said apartments.

- 7.3.4 Under Item 8 of the Planning Authority's further information request, the applicant has demonstrated that the proposal would be compliant with the Specific Planning Policy Requirement of the aforementioned Guidelines that a majority of apartments have floor areas that exceed the minimum standard by the 10%.
- 7.3.5 The aforementioned Audit also tracks the provision of private amenity space and communal space. The former would typically exceed the minimum required and the latter would, likewise, be in excess of the minimum required. The depth of proposed balconies was raised with the applicant under Item 10 of the further information request. The applicant responded that the minimum depth of 1.5m would be achieved and, where for design purposes it would not be achieved, it states that this would related to balcony space in excess of the minimum required.
- 7.3.6 Under Item 12 of the further information request, the width, length, and lighting of the proposed corridors were raised with the applicant. By way of response, the applicant increased the width of the corridors from 1.2m to 1.5m. Nevertheless, the dimensions of the corridors are cited by the Planning Authority in its second reason for refusal. The applicant has responded to this critique by stating that, in practise, residents would only need to walk along a short stretch of these corridors to access their apartments and the perceived length of the same would be influenced by the presence of fire doors.
- 7.3.7 The said second reason for refusal also cites the design of certain of the proposed lobbies. The applicant has responded to this critique by enlarging these lobbies and, as a consequence, it has re-specified 6 ground floor two-bed apartments as one-bed ones. The Planning Authority has welcomed this revision.
- 7.3.8 Turning from quantitative standards to qualitative ones, the apartments would be provided by means of a modular form of construction that would incorporate projecting glazed elements, which would be the means of securing greater than single aspect outlooks to each apartment.
- 7.3.9 The proposal would comprise three blocks of rectangular form which would be sited in parallel to one another one and orientated on a roughly north/south

axis. The applicant explains in its discussion of alternative designs in the submitted EIS that this layout emerged from (a) a review of the earlier permitted enclosed court yard layout, which was considered to afford a poor standard of amenity, and from (b) the dismissal of orientating the said blocks on an east/west axis on the basis that it would have had too great a streetscape impact upon Carmanhall Road.

7.3.10 As revised, the three proposed blocks, numbered 1, 2, and 3 would be 12, 11, and 10 storeys in height. Blocks 1 and 2 would be between 24.4m and 30.9m apart and Blocks 2 and 3 would be between 25.4m and 31.6m apart. The applicant has submitted a report “Daylight, Sun Light, and Overshadowing Amenity within the Site”. Like the report discussed under heading (ii) above, this report uses relevant BRE methodologies, i.e. Average Daylight Factor (ADF) and Annual Probable Sunlight Hours (APSH).

7.3.11 The applicant outlines the following design choices that have been made to improve lighting in the proposed apartments:

- Living rooms have been prioritised,
- Light floor finishes have been selected,
- Glazing has been maximised,
- Balconies have been staggered, and
- The ground and first floors have greater floor to ceiling heights.

7.3.12 Under ADF, of the 1292 rooms selected, 1153 would be compliant and a further 53 would be virtually compliant. Another 5 living/kitchen/dining rooms would meet or exceed the 1.5% target and the remaining 81 rooms would all be bedrooms.

7.3.13 Under APSH, the majority of rooms examined would be compliant and most of those falling short would do so by small amounts.

7.3.14 The report also examines overshadowing of the communal amenity areas which would surround the three blocks. Direct sunlight would reach 54% of these areas for at least 2 hours during the spring equinox and this proportion would rise to more than 90% during the summer solstice.

7.3.15 The report concludes that the proposal would perform well under daylighting and sun lighting indicators.

7.3.16 Under Item 4 of the further information, the originally proposed gating of the communal amenity areas between the blocks was removed, although drawing no. 16DR07-DR-300 refers to a “bespoke gateway” from Carmanhall Road to the area between Blocks 2 and 3. To avoid ambiguity in this respect, a condition could be attached to any permission requiring this gateway to remain ungated. These areas were also the subject of considerable amendment to ensure that the proposed crèche would have a dedicated garden and to ensure the availability of a better mix of passive and active spaces and a higher specification of finishes. Trees along the northern side of Carmanhall Road proposed for retention are the subject of an arborist report which confirms the feasibility of this undertaking.

7.3.17 Under Item 13 of the further information request, the applicant advised that, while the proposal would not be a “Build to Rent” scheme, it would be accompanied by the following “amenities”: a car park and a crèche. It also advised that elsewhere on the site in Block D a unit is the subject of an extant permission for a community centre, which the applicant hopes to implement once a greater local population is insitu, and a further vacant unit may likewise be converted for the use of local residents.

7.3.18 I will discuss the issue of wind under my EIA below.

7.3.19 I conclude that the quantitative and qualitative factors discussed would ensure that the proposal would afford a satisfactory standard of amenity to future residents.

(iv) EIA

7.4.0.1 The application is accompanied by an EIS. Under Items 10(b)(i) and (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2015, the applicant prepared this EIS, as the proposed development seeks to bring to completion an existing development and so the two combined would exceed the relevant threshold of 500 dwellings. Likewise, if the view is taken that the site lies within a business district, then it would exceed the relevant threshold of 2 hectares.

7.4.0.2 I have reviewed the EIS and I consider that it would accord with the provisions of Schedule 6 to Article 94 of the aforementioned Regulations as to the information that should be contained within an EIS. I will draw upon this EIS in my EIA of the proposal.

7.4.0.3 The applicant draws attention to the EIS that accompanied the parent application for the site. This application was permitted along with subsequent modifying applications. These permissions were partially implemented and so the site of the proposed three blocks has been development to provide a basement car park. The applicant therefore contends that the subjects covered in the original EIS do not need to be entirely duplicated, as flora and fauna and cultural heritage/archaeology are no longer relevant.

Consequently, the subjects addressed in the submitted EIS are as follows:

- (a) Human beings,
- (b) Soils and geology,
- (c) Water services*,
- (d) Noise and vibration,
- (e) Air and climate,
- (f) Landscape and visual*,
- (g) Traffic and transport*,
- (h) Waste management, and
- (i) Wind micro-climate*.

* Denotes subjects that were revisited at the further information stage resulting in revised chapters in the EIS.

7.4.0.4 In my EIA, I will use the terminology set out in the “Glossary of Impacts” in the EPA’s 2002 document entitled “Guidelines for the information to be contained in EISs”.

(a) Human beings

7.4.1.1 Census data for 2006, 2011, and 2016 is interrogated. The site lies within the Dundrum – Balally ED. The population of this ED has grown by 44% over

these three Censuses, from 4,894 to 7,049 to 8,014. The structure of this population in 2011 shows a marked bias in favour of the 25 – 44 age cohort, at 42% compared to the County proportion of 30%. By contrast, other cohorts, including the dependency ones of 0 – 14 and 65 and over, are relatively under represented.

7.4.1.2 Employment in the Dundrum – Balally ED increased by 49.6% between 2006 and 2011 from 2,404 to 3,596. Of those aged over 15, 60.1% were “at work” in 2011 compared to 51.9% in the County. Thus, the picture emerges of a predominantly young/early middle aged working population in this ED.

7.4.1.3 The EIS does not anticipate any significant increase in population during the construction phase of the project. During the operational phase, the increase in population can be gauged by applying the average household size in the Dundrum – Balally ED in 2011 of 2.60 to the revised proposed number of apartments of 456, which gives a population estimate of 1,186.

7.4.1.4 The EIS estimates that the 15-month project would give directly employment to between 150 and 200 workers. Thereafter, the retail and crèche uses and the management of the apartments would create c. 30 jobs.

7.4.1.5 During the construction phase, there would be a series of short term environmental impacts arising from building works. These are identified elsewhere in my EIA along with proposed standard mitigation measures.

7.4.1.6 During the operational phase, the influx of additional people would be supportive of existing shops, services, and public transport provision. One potential educational impact is identified by the Sustainable Residential Development in Urban Areas Guidelines, which advise that applications for greater than 200 dwellings should address the question of likely demand for school places resulting from the proposal and the capacity of schools to cater for such demand. While the EIS does not address this question directly, attention is drawn to the SUIP’s identification of 2 sites for 2 primary schools and 1 secondary school within the Sandyford Business Estates and to the prevalence of schools in the surrounding area.

7.4.1.7 The impact on human beings during the operational phase would be permanent, moderate, and positive.

(b) Soils and geology

7.4.2.1 The bulk of excavation works have been undertaken as part of the development carried out on the site to date. The following works would, however, occur:

- Localised breaking out of rock for stair core foundations (c. 130 sqm),
- Breaking out of existing reinforced concrete slabs (c. 1,520 sqm),
- Removal of imported fill material comprised in temporary access ramp and other localised levelling (c. 1,600 sqm), and
- Excavation works for new site services, drainage runs, and attenuation tanks (c. 1,500 sqm).

The first of these works would pose a risk to the underlying aquifer. The EIS does not state specifically how this risk would be mitigated. It does however state that, as these works would take a maximum of 3 weeks to complete and, thereafter, the new foundation would form a permanent seal, and so this risk would be a temporary one.

7.4.2.2 Beyond excavation works, typical construction site risks with respect to accidental spills and leaks and the contamination of surface water run-off and ground water would occur.

7.4.2.3 A Construction Management Plan (CMP) would set out standard measures to mitigate the above cited construction phase risks. This CMP or an accompanying plan should specifically address the aforementioned risk to the underlying aquifer. If the application is permitted, then this matter should be conditioned.

7.4.2.4 I consider that the residual impact to soils and geology, once the proposed mitigation measures are allowed for, would be short term and imperceptible.

7.4.2.5 Likewise, the residual impact of the mitigated risk of accidental spills and leaks and the contamination of surface water run-off and ground water, during the operational phase, would be short term and imperceptible.

(c) Water services

7.4.3.1 The EIS addresses water supply, foul drainage, surface water drainage, and flooding.

7.4.3.2 With respect to water supply, the EIS proposes a connection to the existing 450 mm diameter public mains to the south west of the site in Carmanhall Road. Irish Water raises no, in principle, objection to this proposed connection and no capacity issues are anticipated. The EIS estimates the likely demand for water and it identifies several water conservation measures, e.g. dual flush toilets, monobloc low volume push taps, and waterless urinals.

7.4.3.3 With respect to foul drainage, the EIS proposes a connection to the existing 600 mm diameter public foul sewer to the west of the site in Blackthorn Drive (north/south axis). Irish Water raises no, in principle, objection to this proposed connection and no capacity issues are anticipated. The EIS estimates the likely daily hydraulic foul and organic loadings that would emanate from the project in its operational phase. During the construction phase, foul water from welfare facilities would be discharged to this public foul water sewer, too, either by means of an existing connection or a temporary one.

7.4.3.4 The EIS reports that the existing public foul water sewer has been the subject of a recent CCTV inspection, which established that it is in good condition. Likewise, new on-site sewers would be similarly inspected and pressure tested to minimise the risk of subsequent leaks.

7.4.3.5 With respect to surface water, the EIS advises that there is an existing 600 mm diameter surface water sewer in Carmanhall Road. A new surface water network would be installed on-site and, in conjunction with this, a new connection to this surface water sewer would be made. The network would incorporate 3 attenuation tanks with hydro-brakes that would ensure that the overall discharge rate to this sewer under a QBar 100 scenario is restricted to 23.4 l/s. This rate would compare favourably with the 189 l/s rate for a 1 in 2-year flood event that would have been achieved under the network

envisaged by the parent permission. A Class 1 petrol interceptor would also be installed in this network prior to the new connection point.

7.4.3.6 During the construction phase, the risk of accidental contamination of surface water would be mitigated by measures set out in the CMP.

7.4.3.7 During the operational phase, the proposed surface water network would experience reduced run-off due to SuDS measures, e.g. the specification of green roofs to the 3 apartment blocks and the introduction of appreciable amounts of soft landscaping to the communal amenity areas.

7.4.3.8 Once mitigation measures are allowed for, I consider that the residual impact of any risk, during either the construction or operational phases, would be, variously, short term and imperceptible and long term and imperceptible.

7.4.3.9 With respect to flooding, the applicant's Flood Risk Assessment report discusses the risk of coastal, pluvial, and fluvial flooding of the site. The first of these is set aside, due to the site's distance from the sea. The second of these would be managed by means of the proposed surface water network that is discussed above. In addition, the basement to the proposal would be protected by means of the following measures:

- The access ramp would be raised to 84.4m OD to ensure a permanent flood defence, and
- All services in the basement would be sealed to prevent water infiltration.

7.4.3.10 The third of these flood risks, fluvial flooding, was the subject of a Hydraulic Model Report (HMR), submitted by the applicant as further information, on the Carysfort Maretimo Stream. The draft Eastern CFRAMS identifies the culverted section of this Stream, which is served by MH6 in the Drummartin Link Road to the south west of the site, as a point at which it would overflow under a 1 in 1000-year storm event. This draft depicts the south eastern corner of the site and the adjoining Tivway site as being flooded from this source under such an event.

7.4.3.11 The applicant draws attention to the partially developed nature of these two sites where, in the area in question, excavations for three levels of basements have been undertaken. (The subsequent construction of these

basements remains to be completed). Thus, the draft Eastern CFRAMS is potentially misleading, as it does not allow for the inter-mediate state of the site as one that, to date, has only been partially developed.

7.4.3.12 Under the current proposal, envisaged finished levels would ensure that the site moves from being in Zone B to Zone C for flood risk purposes.

Nevertheless, the HMR seeks to track flooding in more detail under pre and post-development scenarios. Figure 22 compares resulting flood levels and, with proposed flood defences in place along the southern boundary of the Tivway site, the differences that would occur along three spot heights on Carnmanhall Road for a 1 in 1000-year storm event, i.e. 84.077, 84.081, and 84.15m OD would all become 84.189m OD. Thus, the risk of flooding to neighbouring properties along this Road would increase slightly.

7.4.3.13 I consider that the existing inter-mediatory state of the area in question presents an unreasonable baseline against which to compare the impact of the proposal upon fluvial flooding, i.e. this state was never intended to be a permanent one. Instead, more reasonable baselines for comparative purposes would be that of either (a) the two sites developed fully in accordance with the permissions from the 2000s, as the construction works undertaken to date were under them and the current proposal is for the completion of that which is on the application/appeal site, or, (b), if the view is taken that, as these permissions have expired, then they are no longer at all relevant, the two brown field sites prior to any development under the same.

7.4.3.14 The Council's Surface Water Drainage Section requested further details on the extent and implications of the post-development flood risk identified above. It also requested clarification that the applicant has sufficient interest in or the formal consent of the adjoining land owner to undertake the proposed flood defence works cited above.

7.4.3.15 I consider that the first of the aforementioned Section's requests would be of assistance if the further comparison exercise identified under 7.4.3.13 were to show an increased flood risk. The second should be pursued as the subject flood defence works would be of importance.

7.4.3.16 The EIS comments on flood risk that would arise during the construction phase. Standard construction site pumping/tanker mitigation measures are proposed. I conclude that, in the light of my foregoing discussion, further information is needed to address flood risk during the operational phase.

(d) Noise and vibration

7.4.4.1 With respect to noise, the EIS acknowledges the residential content of the site's context and it sets out existing noise levels recorded therein. The EIS also acknowledges that construction plant noise levels would tend to coincide with or exceed the BS 5228 recognised thresholds of significance for effect on nearby dwellings. Short term moderate impacts are thus predicted upon such dwellings.

7.4.4.2 By way of response, the EIS identifies the following practical noise mitigation measures:

- Selection of plant with low inherent potential for excessive noise,
- Erection of barriers around generators and high duty compressors, and
- As far as is practicable to site noisy plant away from dwellings.

Days and hours of construction site operations would be controlled, too, and the duration of particularly noisy operations would be limited.

7.4.4.3 With respect to vibration, the EIS sets out the vibration impacts of 3 and 6 tonne rock/concrete breakers over various distances in conjunction with the typical vibration thresholds for tolerance. The EIS expresses confidence that such impacts would not only avoid cosmetic damage to dwellings but that the annoyance of residents maybe capable of being averted. The mitigation measures identified above for noise would also assist with reducing the impact of vibrations during the construction phase to those that would be short term and moderate.

7.4.4.4 While the EIS does not predict vibration impacts during the operational phase, noise ones would arise as a result of building and mechanical services, the on-site car park, and additional traffic movements generated by the proposal. In relation to the first of these, as the services in question have yet to be selected, the EIS proposes that the applicant abide by relevant BS

4142 parameters in this respect. In relation to the second, the EIS expresses confidence that vehicular noise would be capable of being contained within the basement levels. In this respect, I note that the canopy over the proposed new entrance ramp to these levels from Carmanhall Road would be of assistance. In relation to the third, the EIS predicts that the additional traffic movements would effectively be subsumed in existing levels and so any increase in noise levels would be imperceptible.

7.4.4.5 Based on the aforementioned mitigation measures, I consider that the residual impact of noise, during the operational phase, would be permanent and imperceptible and that, while not explicitly addressed in the EIS, these measures would be likely to result in the same duration and significance of impact for vibrations.

(e) Air and climate

7.4.5.1 The EIS sets out in Table 5.5.1 relevant EU air quality standards. Of the pollutants listed in this Table, NO₂, PM₁₀, PM_{2.5}, Benzene, and CO are identified as being of interest within the locality. Background levels for NO₂ and PM₁₀ have been recorded in Dun Laoghaire and background levels for PM_{2.5} and Benzene have been recorded in Rathmines, in both cases by the EPA. These background levels were adopted for use in relation to the current application/appeal site in Sandyford Business Estates.

7.4.5.2 The EIS acknowledges that, during the construction phase, air quality would be potentially affected by dust and PM₁₀/PM_{2.5} emissions. Likewise, traffic and plant and machinery related NO₂, PM₁₀/PM_{2.5}, Benzene, and CO emissions would occur. The former emissions would be mitigated by means of dust minimisation measures, and attendant monitoring, and the latter would be capable of being mitigated by the use of modern well-maintained plant and machinery. I consider that these impacts would be short term and slight to moderate.

7.4.5.3 The EIS acknowledges that, during the operational phase, air quality would be affected by the aforementioned traffic related emissions resulting from additional traffic movements generated by the proposal. In this respect, two receptor locations on Carmanhall Road were selected and air quality at

these locations, in terms of each of the aforementioned emissions, was modelled for the opening and design years of 2017 and 2027, on the basis of “do nothing” and “do something” scenarios. The differences between these scenarios for each of these emissions was found to be permanent and imperceptible.

(f) Landscape and visual

7.4.6.1 The EIS addresses the landscape and visual impacts that would result from the current proposal. In relation to the former, the existing landscape of the site is acknowledged as comprising modern multi-storey buildings, both on this site, i.e. Blocks A, C, and D, and on other sites to the south, e.g. the Beacon South Quarter. Thus, the completion of the development of the site by means of the proposed construction of Blocks 1, 2, and 3 would, within this context, have a sensitivity that would be “lower than what might otherwise be the case.” In relation to the latter, the EIS presents a Visual Impact Assessment (VIA) of the proposal, which is based on 16 photographs of the site taken from representative public vantage points within the immediate and wider vicinities of the site. These photographs are adapted to show within them photomontages of the proposal and they are presented with an accompanying commentary on and evaluation of visual impact (cf. Table 5.6.1 for a summary of this).

7.4.6.2 The EIS acknowledges that, during the construction phase, the proposal would have a variable visual impact and it comments that this is accepted as being the inevitable corollary of development. The EIS’s VIA addresses the operational phase. It considers that in 9 of the views the visual impact would be either moderate (7) or significant (2) and it further judges that, of the former, 2 would be positive, 4 would be neutral, and 1 would be negative, and, of the latter, both would be positive.

7.4.6.3 While I accept the significance of impacts that the VIA records, the quality of impacts selected is a more subjective exercise, as this is linked to the view that is taken of the Sentinel Building. In this respect, I note that the VIA emphasises the “eyesore” that this Building in its unfinished state represents. I note, too, that the VIA fails to acknowledge that it may be completed,

whereas it places considerable reliance on the prospect of the Tivway site being redeveloped, thereby screening the proposal from the north east (cf. View 13).

7.4.6.4 By contrast, the Planning Authority and observers take the view that the Sentinel Building was conceived of as being appreciably higher than the other blocks comprised in the development of the site and so it would have stood out as such. They consider that this relationship should now be retained.

7.4.6.5 The applicant draws attention to the SUFP, which does not identify the Sentinel Building as a local landmark, and to the planning history of the site, which, under the parent permission and its modifications, envisaged a counter-balancing of the Sentinel Building with Block E (15 storeys/132.96m OD) in the south eastern corner of the site. It thus contends that the role now being assigned to this Building has no basis in either planning policy or the planning history of the site.

7.4.6.6 While I acknowledge the points made by the applicant, the Sentinel Building does “on the ground” fulfil the role of a local landmark. Insofar as the current proposal would not seek to replicate the previously envisaged counter-balancing Block E, which would, significantly, have been integral to the redevelopment of the Tivway site, the question of the new relationship between the blocks now proposed and the Sentinel Building is a valid one. However, this relationship is not the only one of relevance to a discussion of what would be an appropriate height as I will outline below.

7.4.6.7 The Sentinel Building is 14 storeys high. As a proposed office building, the specified floor-to-ceiling heights are greater than for apartments and so its 138.45m OD would be greater than the proposed 14 storey Block 1, which would be 129.05m OD. As originally submitted, Blocks 2 and 3 would have been this height, too. However, under further information, they were reduced in height to 13 (128.45m OD) and 12 (122.45m OD) storeys, respectively.

7.4.6.8 Notwithstanding the gradation in heights across the proposed blocks, Views 6, 7, 8, 10, 14, 15, and 16 illustrate how these blocks would compete with the Sentinel Building, especially the higher ones. Such competition would be

eased if each block was no more than 12 storeys in height. At this height, I do not consider that, in streetscape terms, a variation in height would be necessary, as on the southern side of Carmanhall Road the South Beacon Quarter presents as 2 pairs of block ends, each pair being consistent in height. A corresponding row of 3 blocks of consistent height would thus correspond well with these pairs.

7.4.6.9 If View 13 (version submitted at the appeal stage) is read in conjunction with drawings nos. 48_B3_GE(EA)01_XX revision P2 and 48_B3_GE(WA)01_XX revision P1, then the difference in height between proposed Block 3 and the adjacent existing blocks to the north and south can be seen. Thus, in relation to existing Block D to the north, this difference is pronounced, over a separation distance of 22.3m, at 110.93m OD compared to the proposed height of 122.45m OD, whereas in relation to the nearest block of the Beacon South Quarter to the south, it is slight at 123.70m OD.

7.4.6.10 The aforementioned height discrepancy would become more pronounced again in the case of proposed Block 2, 13 storeys (125.45m OD), and in the case of Block 1, 14 storeys (129.05m OD), which would correspond with existing Block A, along that portion of its southern elevation that would exhibit the same height and separation distance as that of Block D.

7.4.6.11 To the south west of proposed Block 1, the Beacon South Quarter has a block that is 114.20m OD. However, the separation distance here would range between 33.8m and 38.5m and the corresponding nearest corners in question would be offset in relation to one another.

7.4.6.12 In the light of the foregoing, I am concerned that the height of the proposed blocks would be excessive in comparison to Blocks A and D. The opportunity to reflect the gradation upwards across the site between these Blocks to the north and the Beacon South Quarter to the south has not been availed of and so the resulting visual impact upon apartments in these Blocks and the public realm within the site would, in my view, be permanent, significant, and negative.

7.4.6.13 As previously eluded to by the applicant, under the parent permission and its subsequent modifications a higher Block E was proposed (15

storeys/132.96m OD) for the south eastern portion of the overall site. However, along with this Block, Block F was proposed, too, (7, 9, and 11 storeys/110.23m OD, 116.90m OD, and 121.96m OD) (cf. drawings nos. 910-E-04-02A and 910-F-04-09A submitted at the appeal stage). In view of my conclusion to the subject of amenity in paragraph 7.2.10, I am concerned that, just as lighting levels at Blocks A and D would be poorer under the current proposal, so the visual impact would be greater in terms of the overall dominance of the blocks. A stepped format to these blocks would relieve this impact.

7.4.6.14 On the basis of the foregoing assessment, I conclude that the current proposal would be too high in relation to Block D and it would compete with the Sentinel Building in a manner not previously envisaged. Its resulting visual impact would be permanent and, from certain vantage points, its significance would be moderate or significant and either neutral or negative.

(g) Traffic and transport

7.4.7.1 The EIS draws upon the applicant's Junction Analyses Report (JAR), which examines the performance of 5 junctions within the vicinity of the site, including that which would be formed by the proposed access to it off Carmanhall Road. This examination takes into account projected traffic growth rates for County Dublin and projected road improvement schemes and committed development trip generation within the wider area of the site. It calculates the performance of the said junctions for the opening and design years of 2018 and 2028 on the basis of "do nothing" and "do something" scenarios.

7.4.7.2 The said Report identifies the junction between Carmanhall Road and Blackthorn Road, to the south east of the site, as being one that would experience capacity issues during the pm peak in both 2018 and 2028, under both "do nothing" and "do something" scenarios.

7.4.7.3 Under the current proposal, non-residential traffic movements to the site would be via the existing Blackthorn Drive (east/west axis) access and residential traffic movements would be via the proposed Carmanhall Road access. The applicant undertook a baseline survey of the travel habits of

existing residents on the site. This survey revealed that, compared to one undertaken in 2011, there is now a much greater take up of sustainable transport modes, e.g. walking (34%) and the Luas (32%). Thus, car use as a percentage has contracted from 63% to 23%.

7.4.7.4 In the light of the foregoing paragraph, the JAR predicts that the current proposal would generate traffic movements that would account for only 2% of those arising at the aforementioned Carmanhall Road and Blackthorn Road junction in the opening and design years. This percentage would be below the accepted 5% threshold for significance. Furthermore, this JAR draws attention to the fact that anticipated queuing would occur on Carmanhall Road rather than Blackthorn Road, the arterial route, and it also draws attention to alternative means of access onto this route via Corrig Road and Blackthorn Drive (north/south axis), the junctions to which would, evidently, be under less pressure.

7.4.7.5 The EIS concludes that, on the basis of the modal shift away from car usage, the traffic movements generated by the current proposal would be less than those which were anticipated under the parent permission for the site, and its subsequent modifications. Thus, its impact upon the local road network would be correspondingly reduced.

7.4.7.6 The EIS comments on the traffic that would be generated during the construction phase of the proposal. In this respect, attention is drawn to the extensive use of prefabricated elements that would be used in the construction of the proposed blocks. Such usage would lead to a reduction in traffic, due to the reduced need for multiple materials to be delivered and for trades to be present on-site. No quantitative analysis of construction traffic is deemed to be necessary.

7.4.7.7 I consider that the traffic generated at the construction stage would have a short term imperceptible impact on local traffic conditions and the traffic generated at the operational stage would have a long term slight impact.

Addendum

7.4.7.8 The EIS addresses car parking, too. Thus, under the current proposal, an overall total of 1,515 spaces would be provided, i.e. the 1,007 spaces

allocated to existing Blocks A, C, and D and 508 spaces allocated to the proposed Blocks E and F. The vast majority of the 508 would serve the proposed apartments and, like the existing apartments, they would be provided on the 2nd and 3rd basement levels. Thus,

- The 76 one-bed apartments would be served by 76 spaces, and
- The 380 two-bed apartments would be served by 380 spaces.

A further 46 visitor spaces would be provided in the 1st basement level.

7.4.7.9 Under Table 8.2.3 of the CDP, car parking standards state that, whereas one-bed apartments should be served by 1 space, two-bed ones should be served by 2 spaces. Under Section 8.2.4.5, pre-conditions for the relaxation of these standards are set out.

7.4.7.10 The EIS sets out the applicant's case for proposing a relaxation, which can be summarise as follows:

- Comparable apartment developments that are well served by public transport elsewhere in Dun Laoghaire-Rathdown evidence less than one space per unit, i.e. the average for 5 such developments is 74%,
- The submitted Draft Travel Plan would be actively promoted,
- The proximity of employment uses would facilitate living and working in Sandyford Business Estates,
- Under the current CDP, the existing provision for retail car parking is excessive and so there would be scope within the same for additional visitor car parking, and
- Precedent for a relaxation arises from the permission granted to D16A/0158 for a nearby apartment development at the junction between Carmanhall Road and Blackthorn Road.

7.4.7.11 The applicant's case overlaps with certain of the aforementioned pre-conditions. Thus, the first point, insofar as it refers to good public transportation connections, e.g. the Luas and Dublin Bus routes, echoes the second pre-condition, the second point echoes the sixth pre-condition, the third point, insofar as Sandyford Business Estates fit the description of

a high density commercial/business area and an appropriate mix of land uses would subsist within and surrounding the proposal, echoes the first and the fourth pre-conditions.

7.4.7.12 The County's Transportation Planning Section is not in favour of acceding to a relaxation in the provision of car parking provision. However, in their discussion of this matter, they cite only the proximity of public transportation connections. I consider that, as other pre-conditions, too, would be fulfilled that the applicant's case is *prima facie* stronger than the Section allows for. In this respect, I note in particular the applicant's baseline survey findings with respect to car usage relative to walking and the Luas for the purpose of travelling to and from work.

7.4.7.13 The EIS refers to the allocation of 66 spaces for the mobility impaired, 54 spaces for electric charging, and 2 spaces for car sharing. The proposal would thereby meet CDP requirements in these respects.

7.4.7.14 Twenty motorbike spaces would be provided and 636 cycle spaces. The Planning Authority's Cycling Policy (June 2010) sets out standards for the provision of cycle spaces. The EIS demonstrates that these standards would be exceeded by the current proposal in conjunction with the development that has taken place on site heretofore. Generally, short term cycle spaces would be provided at ground level in the form of Sheffield type stands or similar, while the long stay cycle spaces would be provided in the basement levels by means of a proprietary racking system. The selection of this system was the subject of an exchange of views between the Planning Authority and the applicant under further information. I note from Appendix 5.7.3 of the originally submitted EIS that it is the subject of widespread use in England, in situations where space is at a premium, and so I consider that its use on-site would not, in principle, be objectionable.

7.4.7.15 I conclude that the parking provision comprised in the proposal would be satisfactory.

(h) Waste management

7.4.8.1 The EIS envisages that, during the construction phase, only minor demolition and excavation works would occur and so waste streams from these works

would be limited in scale. Waste streams would also arise from construction works, as a result of off-cuts, packaging, and the possible oversupply of materials.

7.4.8.2 The EIS envisages that, during the operational phase, non-hazardous and hazardous waste would be generated by the residential and commercial uses.

7.4.8.3 Mitigation measures for both phases would be set out, variously, in Construction Waste and Operational Waste Management Plans. These Plans would seek compliance with all relevant waste regulations and plans.

7.4.8.2 Accordingly, the residual impact of waste generated by the proposal would, during the construction phase, be short term and imperceptible, and, during the operational phase, long term and imperceptible.

(i) Wind micro-climate

7.4.9.1 The EIS acknowledges that Dublin is a relatively windy city. The need to assess the wind micro-climate of the site within its context thus arises.

7.4.9.2 The EIS outlines how a model of the site was tested in a wind tunnel under three configurations, i.e. in its existing state, with the proposed buildings insitu, and with the proposed buildings and landscaping insitu. Wind conditions in winter and summer months were simulated and a criteria set out which identifies conditions that would be favourable for, variously, sitting, standing, strolling, walking, and a final one termed “uncomfortable”. Movement between these conditions is also classified.

7.4.9.3 Where a mis-match would arise between a space and the wind condition appropriate to the use of that space, I will refer to this anticipated situation as “a challenging condition”.

7.4.9.4 During the construction phase, as the proposal is built, experienced wind levels would reflect the various stages of development.

7.4.9.5 During the operational phase, experienced wind levels are depicted in a series of figures (denoted as 5.11.5 – 5.11.8), which relate to ground floor and balconies during winter and summer months.

7.4.9.6 The emerging pattern for the ground floor, which includes apartment patios, entrances, and thoroughfares, is one of more challenging conditions attendant upon the western and southern elevations of Block 1, the whole south western corner of Block 2 and the points of the south western and south eastern corners of Block 3. Likewise, challenging conditions would be attendant upon the thoroughfare beside Block 1 and the southern ends of the communal amenity areas between Blocks 1 and 2 and 2 and 3.

7.4.9.7 The emerging pattern for the balconies is one of more challenging conditions in the uppermost balconies on predominantly the western elevations of the Blocks.

7.4.9.8 By way of mitigation, the EIS proposes the judicious use of soft landscaping at ground floor level. With respect to balconies, it contended that residents would be used to/would acclimatise to Dublin's windy conditions and so no mitigation was needed. The Planning Authority disagreed and, in its second draft reason for refusal, it cited as an issue the windy conditions that particularly upper floor balconies would experience.

7.4.9.9 At the appeal stage, the applicant has brought forward revisions that seek to overcome the aforementioned critique. Thus, winter gardens would be installed to the apartments on levels 11 and above in each of the Blocks and balustrades would be raised from 1.2m to 1.5m in height to the balconies of apartments on levels 5 – 10 in each of these Blocks, too. The applicant expresses confidence that these measures would ensure that it would be, consistently, comfortable to sit in either the winter gardens or the balconies.

7.4.9.9 I consider that, based on the applicant's amended landscaping proposals and revised elevational proposals, the long term impact of wind would be compatible with the achievement of a satisfactory standard of amenity for future residents, thereby allaying the Planning Authority's concern in this respect.

Interactions

7.5.0 In Table 6.1 of the EIS, the interactions that would arise between the various impacts are summarised. These interactions would not prompt any issues that have not already been discussed in my EIA.

(v) AA

7.5.1 The applicant has submitted an AA Screening Report. I will draw upon this Report and the NPWS website in carrying out my own Stage 1 Screening for AA exercise below.

7.5.2 The site is neither in nor near to a Natura 2000 site. The applicant's Report identifies all such sites within a 15 km radius of this site, the nearest of which are the South Dublin Bay and River Tolka Estuary SPA (site code 004024) and the South Dublin Bay SAC (site code 000210).

7.5.3 The site has been, in part, wholly and, in part, partially redeveloped. It is a fully serviced urban site within the Sandyford Business Estates. As such there is no source/pathway/receptor route between this site and the said nearest Natura 2000 sites, except by means of the public sewerage system. Quantities of waste water generated by the proposal would not, however, be of significance within the overall quantities passing through this system.

7.5.4 Accordingly, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites Nos. 004024 and 000210, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 AA (and submission of a NIS) is not therefore required.

8.0 Conclusion and Recommendation

8.1. In the light of my assessment, I conclude that the Planning Authority's second reason for refusal can be set aside. However, the essence of its first reason still stands, insofar as I consider that the proposal would be of an excessive height and scale in relation to existing Blocks A, C (the Sentinel Building) and D and that this excess would manifest itself in the visual dominance of the proposed blocks and in an undue deterioration in the lighting that would be available to residents of the apartments in Blocks A and D.

- 8.2. Furthermore, the siting of Block 1 would encroach upon the existing well-used boulevard between Blackthorn Avenue (east/west axis) and Carmanhall Road, thereby interrupting the line of sight that exists along it and the attendant legibility and encouragement to permeability. The coherence of the existing focal point to this boulevard would be undermined, too.
- 8.3. Accordingly, I consider that the current proposal pays insufficient regard to the original design and layout of the site, which would have entailed a clear step down in scale between the Sentinel Building and adjacent blocks to the east and the present layout of boulevards on the site. While all previous permissions on the site have now expired, as the originally conceived development has been partially completed, I am concerned that the current proposal should respect these attributes. Objection to this proposal is thus warranted.
- 8.4. The applicant has invited the Board to request that any additional information and/or amendments, which may be deemed necessary, should be requested under a Section 132 notice. The above critique could thereby be addressed by the applicant along with the following matters arising from my assessment:
- The question of likely demand for school places resulting from the proposal and the capacity of schools to cater for such demand,
 - For comparative flood risk purposes, the submitted Hydraulic Model for the Carysfort Maretimo Stream should be re-run on the basis of the full implementation of the permissions for the Rockbrook and Tivway sites that date from the 2000s, and
 - Confirmation that the applicant has sufficient interest in the Tivway site to enable the proposed flood defence measures to be undertaken.
- 8.5. I have considered the option of using conditions to ensure that the each of the proposed blocks is stepped up from say 10 storeys, in the north, to 12 storeys, in the south. While this would be achievable under a permission, it would still leave the issue of the siting and design of proposed Block 1 outstanding. How to ensure that this Block would have an acceptable relationship with the adjoining north/south boulevard and yet be well designed goes beyond what could be reasonably conditioned and so I have concluded that, in the absence of a Section 132 notice, a recommendation of refusal is necessary.

8.6. On the basis of the proposal that is currently before the Board, I recommend that it be refused.

9.0 Reasons and Considerations

Having regard to existing development on the site, in particular Blocks A, C, and D and their accompanying pedestrian boulevards, the Board considers that, due to their height, the proposed blocks would fail to respect sufficiently the functioning role of Block C as a local landmark and they would have an undue impact upon the visual and residential amenities of the apartments comprised in Blocks A and D and upon the amenity value of the said boulevards.

Additionally, the siting of proposed Block 1 would encroach upon both the existing north/south boulevard and the site of a proposed urban plaza identified in Drawing No. 10 of Appendix 15 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022. As a consequence, the legibility and associated permeability of this boulevard would be compromised and the opportunity to have a centrally placed urban plaza as a focal point to the overall development would be negated.

The proposal would thus be seriously injurious to the amenities of the public realm and to existing property within the site and within the vicinity of the site and so it would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

2nd August 2017