



An  
Bord  
Pleanála

# S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

## Inspector's Report ABP-302336-18

---

### Strategic Housing Development

250 apartments, crèche, gym,  
residents amenity space and  
associated site works

### Location

'Tintagel', 'Auburn', 'Keellogues', 'Villa  
Nova', 'Arda Lodge' and adjoining  
lands under the control of Dun  
Laoghaire Rathdown County Council,  
Golf Lane, Glenamuck Road South,  
Carrickmines, Dublin 18.

### Planning Authority

Dun Laoghaire Rathdown County  
Council

### Applicant

Bowbeck DAC

Dept. of Culture, Heritage and the

**Prescribed Bodies**

Gaeltacht  
National Transport Authority  
Transport Infrastructure Ireland  
Heritage Council  
An Taisce — the National Trust for  
Ireland  
Irish Water  
Dun Laoghaire Rathdown County  
Childcare Committee

**Observer(s)**

21 submissions received- see  
Appendix A

**Date of Site Inspection**

19<sup>th</sup> October 2018

**Inspector**

Lorraine Dockery

## Contents

1.0 Introduction .....	4
2.0 Site Location and Description .....	4
3.0 Proposed Strategic Housing Development .....	5
4.0 Planning History.....	7
5.0 Section 5 Pre Application Consultation.....	8
6.0 Relevant Planning Policy .....	11
7.0 Third Party Submissions.....	14
8.0 Planning Authority Submission .....	16
9.0 Prescribed Bodies.....	20
10.0 Assessment.....	22
11.0 Conclusion and Recommendation .....	40
12.0 Reasons and Considerations .....	42

## 1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 2.0 Site Location and Description

2.1 The Inspector's Report relating to ABP-301473-18 describes the site as follows and I would generally concur with description:

*'The application site comprises the sites of a number of former residential properties – previously known as Tintagel, Auburn, Keelagues, Villa Nova & Arda Lodge. These houses have been demolished with the site now overgrown. The site changes in level from south to north by c.10 metres.*

*The site is bounded to the north and north-east by the M50 Carrickmines Interchange. The Glenamuck Stream which is part culverted runs along the north/north east of the site. To the south east the site addresses Golf Lane which is currently a cul-de-sac which provides access to a number of existing one-off houses and a residential scheme known as Blackberry Estate. South of the site there are 3 existing residential properties Creggan, Shangran & Waterville. Further south of Golf Lane there are the Carrickmines Green and Carrickmines Manor residential developments which includes apartments in a number of blocks ranging up to 5 storeys in height. West of the site is the Park Carrickmines Retail Park and offices. The LUAS Green Line from Cherrywood to the City Centre is located to the north with the Ballyogan stop c.900 metres from the subject site'.*

The application site has a stated area of 2.6 hectares- the prospective applicant's lands extend to c.1.8 ha with the remainder in the ownership of Local Authority (0.66ha), which are located to the north and northwest of the application site. The site was heavily overgrown at the time of my pre-arranged site visit.

### 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development, as per the submitted public notices, comprises a residential development of 250 no. apartments within 5 blocks, a crèche, resident’s gym, resident’s amenity space and all ancillary site works. Works also comprise public/communal open spaces and play areas, new pedestrian/cycle bridge and pedestrian/cycle crossing of Glenamuck Road South. The application also seeks retention permission to regularise the demolition of 6 no. dwelling houses, previously located on the application site (total stated GFA of c.1106 square metres).
- 3.2. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Statistics

Zoning	‘A’ Residential
Site Area	2.6 ha
No. of units	250 apartments
Density	139 units/ha
Unit Mix	63 x 1 bed (25.2%) 133 x 2 bed (53.2%) 54 x 3 bed (21.6%)
Part V	25 (12 x 1 bed; 8 x 2 bed and 5 x 3 bed)
Car Parking	289 ( 284 basement 1 & 2; 5 surface)
Bicycle Parking	624 (498 basement; 126 surface)
Dual- aspect	62%

Table 2: Building height above ground level

Block	Storeys
A	Part 5/6
B	4
C	Part 5/6
D	Part 5/6
E	Part 4/5/6

Table 3: Unit Sizes

Apartment	Size
1 bed	49.6-57.3m <sup>2</sup>
2 bed	77.2-91.4m <sup>2</sup>
3 bed	98-135.8m <sup>2</sup>

Table 4: Ancillary Services

Use	Location	Floor Area
Creche	GF of Block A	280m <sup>2</sup>
Gym	Basement Level of Block C	195m <sup>2</sup>
Communal Facility(reception, communal room, meeting rooms and office space)	GF of Block C	276m <sup>2</sup>
<b>Total</b>	-	<b>751m<sup>2</sup></b>

Table 5: Open Space Provision

Open Space	Amount	% of total
Public	3521m <sup>2</sup>	19% of ownership site
Communal	3785m <sup>2</sup>	21% of ownership site
<b>Total in Applicant's Ownership</b>	<b>7306m<sup>2</sup></b>	<b>40% of ownership site</b>
DLR Lands	6646m <sup>2</sup>	25.5% of overall site
<b>Total Open Space (owners &amp; DLR)</b>	<b>13952m<sup>2</sup></b>	<b>53.66% of overall site</b>

- 3.3. The proposal provides for a childcare facility, of approximately 280 square metres, located at the ground floor level of Block A. It is to be a full day care facility with capacity for 40 children. An area of open space, of approximately 80 square metres, is associated with this proposed use.
- 3.4. A new pedestrian and cycle bridge is proposed which spans the existing stream, creating a new connection from Glenamuck Road into and through the development

site. The bridge is a single span steel-beam structure, with 3.5m lightweight deck, metal railings and integrated lighting panels.

- 3.5. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required. It states that subject to a valid connection agreement being put in place, the proposed connection to the Irish Water network can be facilitated.
- 3.6. Included with the application is a letter of consent from Dun Laoghaire Rathdown County Council, (dated 8/08/18), without prejudice, to Amhola Ltd to include Council lands at Glenamuck Road/Golf Lane, across Carrickmines Park, Dublin 18 in a planning application for a proposed residential scheme, subject to five conditions. A map outlining the area to be included is attached.

## 4.0 Planning History

### Subject Site:

#### D06A/1157

Permission GRANTED for 4 houses and 121 apartments with 3 blocks of 5-6 storeys over basement car parking (site area of 1.25ha)

#### D07A/1496

Permission REFUSED for two apartment blocks of 6-8 storeys providing 109 apartments, crèche community room, medical centre, beauticians, 2 small retail units and 2 small offices with 2-3 storey commercial block providing gym and retail – reasons related to excessive density, overdevelopment by reason of excessive height, scale and bulk, inadequate mix of housing, impact on residential amenity of future residents

#### D08A/0590 (PL06D.232551)

Permission REFUSED by ABP for 90 apartments in 3 blocks ranging from 6-8 storeys, 2 storey crèche, basement car parking with development reduced to 88 units within 6 storeys following FI. One reason for refusal which related to proximity

of Blocks E and F to the M50 resulting in unacceptable substandard levels of residential amenity

#### Nearby Sites:

To east - Ref. D15A/0530 – permission GRANTED for a single storey curved dwelling with sedum roof.

To south – Ref. D11A/0197 permission REFUSED for the demolition of bungalow known as 'Waterville' and construction of 19 no. apartments in 2 five-storey blocks for three reasons relating to prematurity depending on proposed future road layout for the area, piecemeal development and undesirable precedent, impacts on residential amenities

Site to West of Glenamuck Road- Ref. D18A/0257 –Permission sought on a site of 105 ha at lands known as Quadrant 3, The Park for a neighbourhood centre (including retail, retail services and restaurant/café uses), retail warehouses, cinema and other leisure space, 130 residential units, crèche, office space, car showroom, medical centre, linear park and all ancillary site works. The maximum height of the proposed development is 29.4 metres. Further Information requested 17 May 2018.

## 5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 29<sup>th</sup> May 2018. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The applicant was advised that further consideration of the documents as they relate to the following issues was required:

### 1. Height and Design

Further consideration of the documents as they relate to the height strategy for the site and the design of the proposed development. In this regard, the prospective applicant should satisfy themselves that the design strategy for

the site as it relates to height provides the optimal architectural solution for this strategic gateway site. The proposed development shall have regard to inter alia, national policy including the National Planning Framework and Sustainable Urban Housing: Design Standards for New Apartments (March 2018) and local planning policy, the site's context and locational attributes.

2. Layout and Permeability

Further consideration of documents as they relate to the layout of the proposed development particularly in relation to permeability and the criteria set out in the Urban Design Manual relating to 'Connections' which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the Design Manual for Urban Roads and Streets. The configuration of the layout particularly as it relates to the creation of a legible pedestrian/cycle pathway from the Glenamuck Road to Golf Lane should be given further consideration.

3. Surface Water Management and Flooding

Further consideration of the documents as they relate to surface water management for the site. This further consideration should have regard to the requirements of the Drainage Division as indicated in their report received by the Board on 17 May 2018 and contained in Appendix B of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').

The applicants were advised that the further consideration of the issues raised above may require an amendment to the documents and/or design proposals submitted.

5.2. Furthermore, the prospective applicant was advised that the following specific information should be submitted with any application for permission:

1. A report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details.

Particular attention is required in the context of the strategic location and visibility of the site and to the long term management and maintenance of the proposed development.

2. A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
3. In the context of the information required above, a detailed photomontage report which includes the detailing of the finishes of the proposed structures and additional photomontages from strategic viewpoints along the M50 and elsewhere.
4. A report that addresses the concerns raised by the planning authority in section 'Movement & Accessibility' in relation to such matters

## **Applicant's Statement**

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the issues raised in the Opinion- Height and Design; Layout and Permeability; Surface Water Management and Flooding.

Height and Design Manual – Considers that the proposed height and design strikes an appropriate balance between national and local planning policy- provides a striking new development that will be prominent but not visually incongruent within the wider area- considered to be optimal architectural solution at this time for this prominent site at the gateway into Carrickmines and overlooking the M50.

Layout and Permeability- modifications made on foot of pre-application consultation which include a dedicated cycle track and public footpath; removal of surface car parking at Block B and creation of 'car free' zone. Considers that above modifications will ensure a more legible and dedicated cycle/pedestrian route through the scheme and that the proposal will accord with 'connections' criteria, set down in Urban Design Manual.

Surface Water Management and Flooding- Site Specific Flood Risk Assessment and Surface Water Drainage section of Infrastructural Design Report referred to. Revisions have been presented to planning authority, prior to lodgement of application.

The applicant has also attempted to address each of the points raised under specific information in the Pre-Application Consultation Opinion

## **6.0 Relevant Planning Policy**

### **6.1. National Planning Policy**

Project Ireland 2040 - National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities
- Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

## 6.2. Local Planning Policy

The Dún Laoghaire-Rathdown County Development Plan 2016-2022 is the operative County Development Plan for the area.

### Zoning:

'Objective A' which seeks to 'protect and/or improve residential amenity'- Residential and ancillary uses are permitted uses.

The following is noted pertaining to the development site:

- There is an objective 'to preserve Trees and Woodland'
- Identified within Green Corridor 6 linking Marley Park with Shanganagh Park.
- Falls within an area subject to a Section 49 Supplementary Development Contribution Scheme for LUAS Line B1.
- Falls within boundary of the Ballyogan and Environs Local Area Plan- local authority are currently preparing a draft Ballyogan and Environs LAP
- The north-eastern portion is designated as an area of archaeological potential, within the southern limit of the constraints area for Carrickmines Castle (RMP DU026-005001-5). Carrickmines Castle which is located north of the M50 and is a national monument.
- The very southern portion is located within the Cherrywood SDZ. The SDZ boundary extends along Golf Lane to facilitate development of the Kiltiernan Link Road (Map 4.5 of Cherrywood Planning Scheme).

Building Height Strategy contained within Appendix 9

The following objectives are noted:

Objective **131** relates to lands to the northwest of the site where it is an objective to provide for the development of a Neighbourhood Centre in the north-east 'quadrant of the Park, Carrickmines, with a net retail floorspace cap of 6000 sq.m. and a leisure facility, which will help meet the existing and future retail and leisure needs of the growth areas of Carrickmines, Stepside-Ballyogan and Kiltiernan-Glenamuck'.

**SLO 135** seeks to prepare a Local Area Plan for Ballyogan and Environs with the subject site within the area.

**Objective 161** aims '*to conserve and protect Carrickmines Castle site and to proceed to implement the Carrickmines Castle Conservation Plan 2015-2025*'

**SLO 52** which aims "*to implement and develop the lands at Cherrywood in accordance with the approved Strategic Development Zone Planning Scheme.*"

6-year and long term roads objectives are outlined in Tables 2.2.5 & 2.2.6 of the operative CDP which include the infrastructure related to the Cherrywood SDZ (necessary roads infrastructure as detailed in Cherrywood SDZ Planning Scheme).

### 6.3. Applicant's Statement of Consistency

A Statement of Consistency with local and national policy has been submitted with the application, as per Section 8(1)(iv) of the Act of 2016.

## 7.0 Third Party Submissions

7.1. In total, 21 third party submissions were received. I note that two main pro-forma/objection templates were used (see Objection Template 1 and 2 below). One submission was received from a resident's association, Kiltiernan Glenamuck Residents Association. In addition to this, individual submissions that represented a mix of templates or no template were received. A petition was also received against the proposal. A list of all submissions received is contained within Appendix A of this report.

#### Objection Template 1 covered:

- Traffic hazard
- Concerns regarding mature trees
- Conflict with Cherrywood SDZ Planning Scheme
- Highlight other developments under construction in general area
- Increased pressure on limited common play areas for children/safety concerns
- Shortage of schools in area

#### Objection Template 2 covered:

- Density would detract from area and be an insensitive addition
- Increased traffic movements
- Health and safety concerns- danger to pedestrians and cyclists

- Damage to environment due to increased noise and air pollution
- Insufficient amenities in local area, which are easily accessible by foot- proposal does not provide additional recreational areas for the local area
- Lack of shops and schools to be reached on foot- proposal does not aim to alleviate the pressure
- Existing transport issues will be exacerbated by proposal

In addition to the above, other issues raised include, inter alia:

- Loss of woodland habitat/tree protection measures
- Safety concerns during construction phase
- Density, height and scale of proposal would impact on character of area
- Type of development would change population grouping in area- currently Blackberry Hill is currently considered a luxury housing estate; proposal will result in increased rental market in the area
- Impacts on residential amenity of existing residents to include separation distances, height, overshadowing, overlooking, privacy, loss of visual amenity, devaluation of property/security concerns
- Proposal premature in terms of road planning in greater Carrickmines/Glenamuck/Kiltarnan area
- Lack of amenities in general area
- Amenity of future residents- traffic related noise and inadequate natural light
- Assumption of future development on adjoining lands/consideration should be given for vehicular access from subject site to adjoining lands
- Request that design and location of toucan crossing; together with space to be allocated to cycle track on future Kiltarnan Link Road be agreed with planning authority and that applicant include some standard single-tier Sheffield stands at basement level to allow for parking of cargo bikes

## 8.0 Planning Authority Submission

- 8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun-Laoghaire Rathdown County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 05<sup>th</sup> October 2018. The report may be summarised as follows:

### **Information Submitted by the Planning Authority**

Details were submitted in relation to the pre-application consultations, site location and description, proposal, zoning, planning history, interdepartmental reports, submissions/observations, summary of views of elected members, policy context and assessment. A summary of representations received was outlined.

#### Summary of Inter-Departmental Reports

##### Drainage Division:

Satisfy requirements, subject to conditions

##### Transportation Planning Division:

Conditions attached.

##### Cherrywood Development Agency Project Team Report:

Applicant has not proposed adequate boundary to delineate the road reservation line and has included proposals for hard and soft landscaping within the lands reserved. The landscaping proposed includes new trees and terrace paving areas that conflict with the proposed Kiltarnan Link Road and which could potentially constrain and impede the delivery of road infrastructure necessary for the development of the Cherrywood SDZ as detailed in the Cherrywood Planning Scheme.

Considered that the proposed development would encroach on the road reservation for the proposed Cherrywood Kiltarnan Link Road. It is considered however that subject to condition the development is consistent with the Cherrywood Planning Scheme.

Conditions attached

Parks Department:

Conditions attached

Housing Department:

The on-site proposal is capable of complying with the requirements of Part V of the Planning and Development Act 200, as amended, the CDP and the Housing Strategy 2016-2022, subject to agreement being reached on land values and development costs and funding being available. Should planning permission be granted, the Council may review the proposal and seek an alternative mix of unit types to reflect the current housing demand at that time.

Condition attached

The main issues raised in the Chief Executive Officer's assessment were as follows:

In terms of principle of proposed development, proposal considered to be consistent with zoning objective, with residential use permitted in principle on 'A' zoned lands. The delivery of housing on this prime site would be consistent with the wider intended strategic outcome of the NPF.

Density proposed is welcomed; acknowledges change in policy since previous refusal on site; design approach taken on site is acceptable; minimal road network within the site is to be welcomed; pedestrian friendly development and open spaces have potential to become very social and safe areas; proposed heights generally accord with the Building Height Strategy as contained in CDP; alterations recommended in relation to roofscape of Block E and corner treatment of Block A.

Separation distances generally acceptable- recommendations made in relation to reconfiguration of Block B; daylight/sunlight proposals acceptable; impact on wind and potential noise impacts have been adequately assessed.

In terms of residential quality, it is considered that proposal is fully in compliance with new Apartment Guidelines for Planning Authorities (2018) in terms of specific planning policy requirements. Open space provision and play requirements comply with requirements of CDP.

In terms of transport/movement issues, noted that cycle and car parking complies with CDP standards. Conditions attached in terms of encroachment of development on road reservation for proposed Cherrywood Kilternan Link Road. Conditions also recommended in relation to layout and permeability. No objections raised in relation to car parking provision. Cycle parking exceeds CDP standards.

In terms of surface water drainage, report of Water Drainage Division sets out that detailed technical requirements have been satisfied in the application, subject to compliance with their recommended conditions. Site Specific Flood Risk Assessment submitted and conclusions therein are accepted.

No concerns raised in relation to ecology, archaeology, childcare facilities and appropriate assessment. Conditions attached to relation to public open space, Part

V, phasing, construction management.

Report concludes that proposal will contribute to one of the Strategic Outcomes of the NPF which is for compact growth by targeting a greater proportion of future housing development within and close to the existing footprint of built-up areas. Consider that the proposed development has the potential to create a sustainable community which has easy access to public transport and facilities. Considered that the design of the proposed development, its layout, landscaping and proposed facilities have the potential to provide a high standard of residential amenity. While it is recognised that the proposed development will change the character of the immediate area, this area is already in the process of change and it is considered that the proposed development will not be unduly harmful to residential amenities of the surrounding properties and will not be prejudicial to pedestrian/traffic safety.

Suggested conditions attached

The report includes a summary of the views of relevant Elected Members, as expressed at the Dundrum Area Committee meeting held on 24/09/18 and are broadly summarised below:

- Tree removal/protection of views
- Traffic/transportation/access/car and bicycle parking
- Amenity issues
- Provision of shared meeting room

## 9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- National Transport Authority
- Transport Infrastructure Ireland
- Minister for Culture, Heritage and the Gaeltacht
- Heritage Council
- An Taisce — the National Trust for Ireland
- Irish Water
- Dun Laoghaire Rathdown County Childcare Committee

9.2. Three bodies have responded and the following is a brief summary of the points raised. Reference to more pertinent issues are made within the main assessment.

### Transport Infrastructure Ireland

Will rely on planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:

- Proposed development shall be undertaken strictly in accordance with Transport Assessment. Any recommendations should be incorporated as conditions on the permission, if granted. Any additional works required as a result of the Assessment should be funded by the developer
- TII will entertain no future claims in respect of impacts on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning

### Irish Water

Based upon the details provided by the developer and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

Minister for Culture, Heritage and the Gaeltacht- DAU

Archaeology

Notes that the proposed development is large scale in extent and is located partially within the complex of monuments at Carrickmines Castle, Recorded Monument DU026-005 (Deserted Settlement), which are subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994.

Has examined the archaeological assessment report submitted with the planning application. On the basis of the information submitted and the analysis of the impacts and likely impacts of the development, Department concurs with the recommendation of the report (Section 5.2, pg. 14) that archaeological testing is carried out on previously untested areas of the development site.

Should planning permission for the proposed development be granted, the Departments recommends that an appropriate condition pertaining to pre-development testing be included. Recommended conditions are attached.

Nature Conservation

Recommends that the implementation in full of the mitigation measures proposed in the ecological impact assessment are conditions of any permission granted, in particular the conditions for bats and nesting birds.

With regard to otters, the potential for otter movement along the Glenamuck stream should be preserved.

## 10.0 Assessment

10.1.1. I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Dun Laoghaire Rathdown County Development Plan 2016; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations; the Record of Section 5 Consultation Meeting; Inspector's Report at Pre-Application Consultation stage and Recommended Opinion; together with the Notice of the Pre-Application Consultation Opinion. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of development
- Height and Density
- Design and Layout
- Impacts on amenity
- Traffic and transportation
- Drainage
- Other matters
- Screening for Environmental Impact Assessment (EIA)
- Appropriate Assessment

### 10.2. Principle of Proposed Development

10.2.1. Having regard to the nature and scale of development proposed, namely an application for 250 residential units located on lands which are substantially located within the zoning objective 'A', in which residential development is 'permitted in principle', I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.2.2. I note the policies and objectives within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential

development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. It is noted that in the short term to 2020, the Housing Agency has identified a need for at least 45,000 new homes in Ireland's five cities, more than 30,000 of which are required in Dublin city and suburbs, which does not include for additional pent-up demand arising from under-supply of new housing in recent years. In the longer term to 2040, the NPF projects a need for a minimum of 550,000 new homes, at least half of which are targeted for provision in Ireland's five cities (Objective 3b). The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development, which requires at least half of new homes within Ireland's cities to be provided within the existing urban envelope (Objective 3a). A significant and sustained increase in housing output and apartment type development is necessary. It recognises that at a metropolitan scale, this will require focus on underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development (pg 36). It also recognises the need for enabling infrastructure and supporting amenities to realise potential development areas.

10.2.3. I am of the opinion that given its residential zoning, the delivery of residential development on this prime, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness. The site is located in a central and accessible location-within easy walking distance of good quality public transport and close to an existing and emerging serviced area. The proposed development has been lodged under the strategic housing process, which aims to fast-track housing development on appropriate sites in accordance with the policies and objectives of Rebuilding Ireland. This legislation recognises the strategic importance of such sites in the provision of housing in meeting both current and future need.

10.2.4. This is a suburban area, adjacent to the M50, close to good public transport links in a serviced location where improved facilities are planned. The site itself is zoned, serviceable land. I am aware of the planning history of this site and of sites in the vicinity. Permission has previously been granted for residential development on this site by the planning authority, under Reg. Ref. D06A/1157. I am particularly

cognisant of the previous refusals of permission on this site, dating back to 2007/2008 and highlight to the Bord the change in government policy in relation to residential development on such sites in the interim. Having regard to all of the above, I consider the principle of residential development appropriate at this location.

### 10.3. Height and Density

- 10.3.1. Five blocks are proposed, four to six storey in height above ground level, with some blocks having additional residential accommodation at basement level. The maximum height of the blocks proposed is therefore seven storeys from adjoining ground level. The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála referred to further consideration of the documents as they relate to the height strategy for the site and the design of the proposed development. In this regard, the prospective applicant was advised that they should satisfy themselves that the design strategy for the site as it relates to height provides the optimal architectural solution for this strategic gateway site. They were further advised that the proposed development should have regard to inter alia, national policy including the National Planning Framework and Sustainable Urban Housing: Design Standards for New Apartments March 2018 and local planning policy, the site's context and locational attributes. The height of the proposed blocks at pre-application stage ranged from four to seven storeys. The maximum height of the proposal as submitted at application stage remains unchanged at seven storeys and the number of units remain unchanged at 250 number.
- 10.3.2. With regard to the proposal before me, it is the issue of height and density with which I have most issue and I draw the attention of the Bord to this. The applicants in their response to the ABP Opinion state that the development will be a prominent and architecturally attractive addition to the area. They continue by stating that as a development of notable design, that it will become a landmark building for this prominent site along the M50 and within the wider Carrickmines/Glenamuck/Foxrock area. I would question this assertion.
- 10.3.3. The Oxford dictionary defines 'landmark' as 'an object or feature of a landscape or town that is easily seen and recognized from a distance, especially one that enables someone to establish their location'. I am of the opinion that the proposal before me at a maximum of seven storeys in height could not be described as a landmark

building. As proposed, the height and design is such that would not be easily seen or recognised from a distance or as one travels along the M50. Its design is such that it would not be an easily recognisable feature within the Dublin skyline. The development as proposed is such that it would not easily enable someone to establish their location along the M50. Given the above, I consider that the proposed structures on site could not be described as landmark structures. When one thinks of landmark structures along major routes in the Greater Dublin Area, I think of the Quinn building along the N3, which clearly enables someone to establish their location at Blanchardstown. I also think of the Sillogue water tower at Ballymun, which clearly indicates to someone travelling along the M50 that they are close to the airport. I consider that the proposed development does not go far enough to act as such a distinguishable feature, either by means of height or design, and instead I consider that the proposal would merge into the indistinguishable suburban landscape at this location. The M50 is severely lacking in such landmarks or wayfinders to enable the traveller distinguish their location and I consider that a bold architectural expression would be a welcome addition at this location. A landmark at this suburban location would not only be visible in the immediate locality but would also be visible from the wider area, thereby becoming an aid in orienting people and also an aid in enhancing the character of this emerging area.

10.3.4. I am cognisant of existing and emerging national policy in this regard, in particular the NPF which recognises the need for compact urban growth, and I refer the Bord to Objectives 33 and 35 of this document. I am also cognisant of the draft Urban Development and Building Heights, Guidelines for Planning Authorities (August 2018) which recognises that our town and cities must grow upwards, if we are to meet the many challenges ahead, with a presumption in favour of buildings of increased height in our towns/city cores and in other urban locations with good public transport accessibility. I note that this document is currently in draft form. The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018) acknowledge the need to significantly increase housing supply in proximity to core urban centres; existing public transport nodes and close to locations of employment. I am also cognisant of local policy, in particular Appendix 9 Building Height Strategy of the operative County Development Plan. This acknowledges that in larger development sites, which include Carrickmines, heights

greater than six storeys have been permitted. It also states that in certain exceptional circumstances, a case may be made for additional height, for example in significant commercial or employment zones such as Nutgrove or Carrickmines, which are not areas covered by a Local Area Plan but which may be subject to development proposals. I note that there are buildings of greater height than that proposed evident within the Sandyford area.

10.3.5. I consider that this site offers the opportunity to be developed differently from other sites developed heretofore along the M50. I concur with the applicants that it is a gateway site into Carrickmines, but I would go further and state that it is a gateway site on the M50, signalling one's arrival at the start of the built-up area of our capital city. The following is noted. Its proximity to employment generating areas of Sandyford, Carrickmines and Cherrywood. Its location proximate to the M50, a major transport corridor. Its location proximate to existing public transport facilities. The limited constraints in terms of impacts on established residential properties. I consider that there is an opportunity here to make better use of this site, both in terms of height and density- one which meets both the highest architectural and planning standards- than that which is proposed.

10.3.6. I refer the Bord to a recent decision, ABP301991-18 in Mahon, Cork for a development ranging in height from 6 to 25 storeys. This structure will become a landmark as one enters Cork city, identified as a punctuation mark for development to the south of the site. The site subject of this current application could be classed as a similar punctuation mark within the Dublin context. It may be considered to demarcate the start of the built-up area of Dublin when one is travelling from the south. Once the area of Carrickmines is reached, the built-up area of the city begins to unfold. A landmark structure at this location could set the marker when travelling from the south that one has now reached the built-up area of Dublin. A landmark building at this location would denote the significance of the location in the urban structure of Dublin and its wider environs. Given the strategic, gateway location of the site, I am of the opinion that it has the capacity to accommodate a development of much greater height, scale and density, without detriment to the amenities of the area. I am not satisfied that this is the optimal architectural solution for this strategic landmark site. By providing a landmark building at this site, it would aid in

addressing the current housing shortage and would provide a more sustainable residential density on the site, without detriment to the amenities of the area. The developable area of the site is stated as being 1.6 hectares and while the density does not appear to have been explicitly stated in the documentation, I calculate it as being approximately 139 units/ha. Given the above, I consider that the site has capacity to achieve a higher density than that proposed given its location, close to the interchange of the M50, in a serviceable, suburban area in close proximity to established and emerging services and close to public transport. I note that much higher densities have been permitted previously within the general Sandyford area. I am of the opinion that a bold design statement should be welcomed at this location. The context of the site is such that I feel such a development could be accommodated without detriment to nearby residential properties. In this regard, I am of the opinion that the height of Blocks B and D are acceptable, having regard to its location proximate to existing residential properties. However, in my opinion the remaining area of the site could accommodate buildings of greater height. Having regard to all of the above, I am therefore of the opinion that the proposed residential development would not be developed at a sufficiently high density to provide for an acceptable level of efficiency in the use of serviced lands at this location and would accordingly be contrary to the National policy as set out in the aforementioned section 28 Ministerial Guidelines.

#### **10.4. Design and Layout**

- 10.4.1. As is stated above, the proposal involves the retention of demolition of six dwelling houses and the construction of 250 apartments, with ancillary uses of crèche, resident's gym, amenity space and all associated site works. Five blocks are proposed, four to six storey in height above ground level, with some blocks having additional residential accommodation at basement level (giving seven storeys of accommodation in total). Blocks are broken up such that they allow for views through the site, forming a courtyard type development which acts to shield users from external wind and noise. This is considered to be a good design solution given the location of the site proximate to a number of major thoroughfares, including the M50. Green roofs are proposed for all apartment blocks. Quality materials are proposed, exact details should be dealt with by means of condition if the Bord is disposed towards a grant of permission. The proposal complies with all Specific

Planning Policy Requirements (SPPR), as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018).

- 10.4.2. Unit mix is good with 25.2% of the units being 1 bed units; 53.2% being 2 bed units and 21.6% being 3 bed units. This would lead to a good population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual and other national guidance. Contrary to some of the submissions received, I consider that such a mix, with a predominance of smaller units, would be beneficial in an area where the housing offering is largely three and four bed semi-detached and detached properties. The proposed development could aid those wishing to downsize but remain in the general area, thereby freeing up some existing housing stock in the locality. Unit size is also acceptable and most units are in excess of minimum standards.
- 10.4.3. Public open space is provided by way of five areas, together with the landscaping of the area owned by the planning authority. The provision of a bridge connection over the stream through to Glenamuck Road will provide a valuable connection through to the LUAS, and the future neighbourhood centre at The Park. It will form an attractive amenity in the area and will aid in forming an important link connecting communities and services. The linear park along the existing stream is a welcome addition to the area. I would concur with the opinion of the planning authority that if the Bord is minded to grant permission, a condition should also be attached stipulating that the pedestrian bridge and environmental improvement works to the open space be satisfactorily completed and available for public use, prior to the occupation of any residential unit on site. In addition, I would concur with the opinion of the planning authority that if the Bord is minded to grant permission for the proposed development, a condition should be attached which allows for the provision for a future direct permeability connection to the proposed public pedestrian cycle link for the residential development land to the south-west of the subject site. The recommended location is opposite the proposed Block B chamfer.
- 10.4.4. Communal open space is provided as courtyard areas between Blocks C, D and E, with a second communal area between Blocks A and B. I consider the area to the front of Block D, within the Kilternan Link Road reservation to be somewhat residual in nature/limited amenity value due to its location at the proposed road edge and I would concur with the opinion of the planning authority that this area should not be

considered as communal open space and should instead be considered as part of the public open space. Private open space is provided to all units in the form of terraces/balconies. All open space is considered to be of a high quality and a high degree of passive surveillance is noted. The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála referred to further consideration of documents as they relate to the layout of the proposed development particularly in relation to permeability and the criteria set out in the Urban Design Manual relating to 'Connections' which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the Design Manual for Urban Roads and Streets. The applicants were advised that the configuration of the layout particularly as it relates to the creation of a legible pedestrian/cycle pathway from the Glenamuck Road to Golf Lane should be given further consideration. I am of the opinion that this matter has been adequately addressed in the submitted application and a clear cycle/pedestrian route through the site from Golf Lane through to Glenamuck Road is now demarcated on the submitted drawings.

10.4.5. The removal of trees from the site has been raised in many of the submissions received. There is a significant amount of planting on site as it essentially comprises a series of gardens, and there is a Development Plan objective to 'preserve trees and woodland' on site. I note that there are no Tree Preservation Orders pertaining to the site. A Tree Survey submitted with the application shows that there are no trees classified as 'Category A' and I note that the condition of the trees is generally poor overall. I observed this myself during my site visit. All category U trees will need to be removed on the basis of their condition and trees within category C are of low value only. Table 1 of the submitted Tree Survey shows that 60% of the trees on the overall site are within the lower C & U categories. This is a high percentage in terms of poor quality trees and is mainly due to poor species selection, neglect and storm events. Tree root protection has been raised in one of the submissions received. The calculation of the TRP area has been dealt with in section 10 of the submitted Tree Survey and also in the submitted Tree Protection Strategy, prepared by CMK Horticulture and Arboriculture. The Arboricultural Impact Report submitted with the application acknowledges that of the 204 trees identified on site, 24 are to be retained, with 34% of those to be removed being done so because of their poor condition. It is proposed to carry out compensatory planting. Tree No. 275, a large

Copper Beech, is being retained at the entrance to the site. This is considered acceptable in this instance. A Landscape Report and drawings were submitted with the application, prepared by Mitchell and Associates. I would concur with the opinion of the planning authority that while the loss of trees on site is significant, it is considered that this will be off-set by the improvements in the landscaping and permeability along the stream corridor. I would concur with the opinion of the planning authority, as set out in their Chief Executive report, that in the event of the Bord deciding to grant permission for the proposal, a condition should be attached stipulating that a revised landscaping plan be submitted to include for the addition of a significant increase in the number of trees proposed to offset the tree loss on site. I also consider that it would be worthwhile to engage the services of an arborist to ensure protection of those trees being retained and trees on adjoining property. This matter could also be satisfactorily dealt with by means of condition.

10.4.6. The location of the 25 Part V units is generally considered acceptable, located within Block D. The Planning Authority has raised no issue in this regard, subject to conditions.

10.4.7. The proposal includes for the provision of a childcare facility, of stated floor area 280 square metres, located at the ground floor level of Block A at the south-west side of the site. The facility opens out onto a south-facing secure external play area of 97.4 square metres. The facility will cater for up to 40 children. Given the scale of the development and the quantum of one and two bed units proposed, I consider this element of the proposal to be acceptable. The planning authority have raised no issue in this regard.

## 10.5. **Impacts on Amenity**

10.5.1. Impacts on residential amenity have been raised in many of the submissions received. Concerns have been raised in terms of inter alia, overlooking, overshadowing, loss of privacy, noise and devaluation of property values. Having regard to the orientation of the site, the separation distances involved, the levels involved and the design of the proposed units, I do not have undue concerns with regards the impacts on amenity of properties in the vicinity. A Daylight and Sunlight Access Analysis has been submitted with the application. I am satisfied with the contents therein and consider that the issue has been adequately addressed. It

shows that overshadowing of the property 'Creggan' or properties in Blackberry Hill would be insignificant. There would also be little to no impact on daylight as a result of the proposed development. I do not have undue concerns in relation to potential overlooking, given the separation distances involved and the design of the proposed scheme. I visited the garden of the property immediately to the south of the subject site, 'Creggan', during my site visit and noted the extent of dense planting along the site boundaries. I also visited the Blackberry Hill development and noted its ground levels, relative to the subject site.

- 10.5.2. I note the concerns raised relating to the property permitted, but not yet constructed under D15A/0530, located to the east of the subject site. Given the design of the proposed blocks, the design of the proposed dwelling, together with the separation distances involved, I am satisfied that the impact on the residential amenity of this property would not be so great as to warrant a refusal of permission. The separation distance is in excess of 10 metres and windows on the east elevation which face the shared boundary are secondary in nature and comprised of obscure glazing. The Daylight and Sunlight Access Analysis shows that there may be some overshadowing of this property, I consider it not to be excessive.
- 10.5.3. Given the nature of the development proposed, I do not anticipate noise levels from the development proposed to be excessive. There may be some noise disruption during the course of construction works and concerns relating to such were expressed in some of the submissions received. Such disturbance or other construction related impacts is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. However, if the Bord is disposed towards a grant of permission, I recommend that such issues like wheel wash facilities, hours of works and the like be dealt with by means of condition and a Construction Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site.
- 10.5.4. I have no information before me to believe that the proposal if permitted would lead to devaluation of property in the vicinity. In fact, the improved connectivity from Golf Lane through the site to the LUAS and future neighbourhood centre, will substantially increase amenity in the area and may in fact aid in increasing property values in the vicinity.

- 10.5.5. The level of amenity being afforded to proposed occupants is considered good. Adequate separation distances are proposed between blocks to avoid issues of overshadowing or overlooking. A communal facility for residents is proposed at ground floor level of Block C which includes for a concierge reception, lounge/communal room and business centre while a gym is located at the lower ground floor of Block C, overlooking the park. These facilities are to be welcomed and would provide a high level of amenity for future occupants of the proposed scheme. Average daylight to the proposed apartments and public open space is considered acceptable. An Airflow Analysis was submitted with the application, which details measures taken to control velocity of air moving between the blocks and through the amenity open space, together with design measures used which include a chamfered edge to Block A and curved façade of Block E, both designed to deflect wind approaching from northerly and easterly directions. I am satisfied with the detail contained therein.
- 10.5.6. The location of the subject site in close proximity to the M50 is acknowledged in terms of noise impacts and it is noted that this issue formed a reason for refusal on the previous application on this site, under Reg. Ref. D07A/1496. An Assessment of Inward Traffic Noise is included with the application, which includes details of an environmental noise survey which was undertaken on the site. It is stated in the documentation that the design of the proposed scheme has had regard to a noise assessment and the design has altered accordingly. In this regard, Block E, which is most exposed to traffic noise, has been designed with the living spaces facing the interior courtyard; winter gardens have been used where bedrooms are facing the M50; enhanced double glazing and increased wall spec on exposed walls have all been proposed and on exposed facades a perforated metal screen has been used. Having regard to all of the information before me in this regard, I am satisfied that that the noise impacts on the proposal would not be so great as to warrant a refusal of permission. I concur with the opinion of the planning authority that any potential noise issues have been adequately addressed through design and proposed specifications. It is also my opinion that any future potential occupants of the proposed scheme would take account of the site location relative to the M50, when making their decision live there or otherwise.

10.5.7. Having regard to all of the above, I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable and the proposal if permitted would be an attractive place in which to reside. I am also satisfied that impacts on existing residential amenity would not be so great as to warrant a refusal of permission.

## 10.6. **Traffic and Transportation**

- 10.6.1. The proposed development has frontage and access onto Golf Road. Pedestrian and cycle access is also proposed onto Glenamuck Road South. A staggered toucan crossing on Glenamuck Road forms an element of the proposed development, as is a shared pedestrian/cycle greenway through the site from Glenamuck Road, around the northern perimeter where it can be future extended. The majority of vehicles entering the site, namely those of residents will travel down a ramp into the basement car park area. Any other vehicles will be accommodated at podium/ground level near Blocks B and D. A Traffic and Transport Assessment, Infrastructure Design Report and a Mobility Management Plan have been submitted with the application. The TTA concludes that the 250 unit residential development will result in a modest increase in vehicle movements across the local road network during both morning and evening peak times. The submitted document appears reasonable and robust.
- 10.6.2. The attention of the Bord is drawn to the fact that part of the southern boundary of the site is within the Cherrywood Planning Scheme area, with the boundary of this Scheme extending along Golf Lane to facilitate the development of the Kilternan Link Road (Objective PI 14; Map 4.5). I note the report of the Cherrywood Development Agency Project Agency in this regard, (report summarised above), which states that the proposal would encroach on the road reservation; the applicant has not proposed an adequate boundary to delineate the road reservation line and has included proposals for hard and soft landscaping within the lands reserved. I would concur with the opinion of the planning authority, that if the Bord were minded to grant permission, this matter could be adequately dealt with by means of condition.
- 10.6.3. In terms of car parking provision, 289 spaces are proposed, with the bulk of these located at basement levels. This equates to 1.15 space per apartment. Section 8.2.4.5 of the operative County Development Plan deals car parking standards for

residential development and the proposal is considered to be in compliance with these standards and also with ministerial guidance in this regard. This is considered acceptable. In terms of cycle parking, 624 bicycle spaces are proposed at surface and basement levels and these are considered to be well distributed throughout the scheme. I note the Standards for Cycle Parking and associated Cycling Facilities for New Developments (2017), produced by the local authority, in particular Table 4.1 which sets out appropriate standards. The level of bicycle parking well exceeds Development Plan standards and this is welcomed. The requirements of the new Apartment Guidelines are such that 491 spaces plus 125 visitor spaces are required for cycle parking. As per the Apartment Guidelines, this gives an excess of 8 spaces.

10.6.4. The proposed footbridge will connect into DLRCC lands and will tie in with a proposed pedestrian and cycle crossing on Glenamuck Road. The development is to be welcomed as currently crossings on Glenamuck Road are poor. The development site is identified within Green Corridor 6 linking Marley Park with Shanganagh Park and the provision of this footbridge is to be welcomed in helping to achieve wider improvements in pedestrian connectivity in the general area.

10.6.5. I note the Chief Executive report of the planning authority, together with the report of the TII, which raises no objection to the proposed development, subject to condition. Having regard to all of the above, I consider that the subject site is well served by public transport- the LUAS line passes in close proximity to the site, with two LUAS stops within 850 metres of the subject site; there is a Dublin Bus service on Glenamuck Road approximately 400m from the site and its location relative to the M50 motorway is noted. I consider that the proposal will greatly improve pedestrian linkages within the area, which are currently considered to be poor; that the road network appears to have capacity to accommodate the number of vehicular movements being generated by the proposal without detriment to other road users and that the proposed development will provide sufficient car and bicycle parking to cater for anticipated demand. I have no information before me to believe that the proposal would lead to the creation of a traffic or obstruction of road users and I consider the proposal to be acceptable in this regard.

## 10.7. Drainage

- 10.7.1. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála referred to further consideration of the documents as they relate to surface water management for the site. This further consideration should have regard to the requirements of the Drainage Division as indicated in their report received by the Board on 17 May 2018 and contained in Appendix B of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').
- 10.7.2. An Infrastructure Report was submitted with the application, as was a Site Specific Flood Risk Assessment. I note the consultation between the planning authority and the applicants in relation to this matter. Concerns raised by the planning authority at pre-application stage appear to have been overcome and the planning authority are now satisfied with the proposal in this regard. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted by the applicant, as required. It states that subject to a valid connection agreement being put in place, the proposed connection to Irish Water network can be facilitated. The report of the Drainage Division of the planning authority, as contained in the Chief Executive Report, states that following a process of engagement by the applicant and their consultants with Municipal Services on drainage issues, the applicant has submitted reports and drawings that generally satisfy their requirements, subject to recommended conditions. These conditions are general in nature.
- 10.7.3. The Carrickmines River enters and exits the site at its north-west corner and the Glenamuck/Golf Stream runs within the site parallel to the Glenamuck Road. The two watercourses converge in the north-west corner of the site. The submitted Site Specific Flood Risk Assessment acknowledges that the site is partially located with Flood Zone A due to the Carrickmines River. The presence of the Golf/Glenamuck stream is also noted towards the northern boundary of the site, although this was not part of the CFRAMS. The main source of flood risk to the existing site is fluvial

flooding from the Carrickmines River and Glenamuck stream, which enter the site via culverts and exit at the northern downstream end under the M50 off slip.

Assessments were undertaken and a hydrological model created to predict the flood extents of the Golf Stream so as to ensure residential development is located wholly within Flood Zone C. In addition, a Sensitivity Analysis of the Glenamuck stream flows was undertaken to compare results with a flood risk assessment carried out for a separate planning application (D18A/0257 at The Park). The submitted drawings show that the proposed development is outside these flood extents and the required freeboard is provided at a series of critical points around the development. A number of management and mitigation measures are proposed which would appear reasonable which include the restoration of original levels along the northern boundary to ensure flood mechanism of this area is consistent with CFRAMS. The report of the Municipal Drainage Division of the planning authority states that based on the Site Specific Flood Risk Assessment submitted, the conclusions contained therein are accepted and thus the proposed development is considered to be in accordance with Appendix 13 (Strategic Flood Risk Assessment) of the Dun Laoghaire-Rathdown County Development Plan 2016 subject to conditions.

10.7.4. I note that flooding information for the Glenamuck Stream is lacking in the Eastern CFRAM mapping. The SSFRA concludes that the residential development is located outside of the 0.1%AEP Flood Zone B extents, within low risk Flood Zone C; all residential dwellings FFLs are located above the 0.1%AEP flood level with minimum freeboards of 500mm and flood mitigation measures are incorporated into the design. The OPW mapping website, [www.opw.ie](http://www.opw.ie) shows no recorded flooding on the site. A substantial amount of information has been submitted in this regard, which appears reasonable and robust. I note the report of the planning authority in this regard, as contained within the Chief Executive Report. I note that this is a serviced, appropriately zoned site at an urban location. I consider that having regard to all of the information before me, including the guidance contained within the relevant Section 28 guidelines on flood risk management that this matter can be adequately dealt with by means of condition.

## 10.8. Screening for Environmental Impact Assessment (EIA)

- 10.8.1. The applicant has addressed the issue of Environmental Impact Assessment (EIAR) within section 6 of the submitted Planning Report. This report incorrectly refers to the site area as being 10.394 ha. This is obviously a typographical error as it is stated as being 2.6 hectares in all other documentation submitted. The report states that the proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017. This section of the report concludes that the proposed development will not have a significant effect on the environment.
- 10.8.2. The current proposal is an urban development project that would be in the built up area but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposal is for 250 apartments on 2.6 hectares. The site area is significantly below the stated threshold of 10 hectares and the number of units significantly below the threshold of 500 units. The proposed development would be located on brownfield land beside existing development. The site is not designated for the protection of a landscape or of natural or cultural heritage. I note that the north-eastern portion is designated as an area of archaeological potential and that there is a Development Plan objective to 'preserve trees and woodland' on the site. The report of the DAU is noted in relation to archaeology and the issue of trees/woodland has been dealt with above in my assessment, with appropriate report submitted by the applicants in relation to this matter. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Stage 1 Screening Report that concludes that there will be no impacts upon the conservation objectives of the Natura sites identified. The habitats and species associated with the sites will not be adversely affected and the proposed development does not need to proceed to Stage II of the Appropriate Assessment process.

10.8.3. The development would result in works on an existing brownfield site. The majority of the development would be in residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. On the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

## 10.9. Ecology and Appropriate Assessment

- 10.9.1. An Ecological Impact Assessment was included with the application, which concludes that the proposed development will have a negative to neutral impact upon local ecological receptors and mitigation measures are recommended. It continues by stating that the protection of some of the woodland features within the site will lessen the impact somewhat and that the creation of new habitats on the site will be a positive benefit to the local ecology. With proper management, local areas of biodiversity will be allowed to develop. This is considered reasonable. A schedule of mitigation measures is outlined in section 6 of the EclA. The dominant habitat is mixed broadleaf woodland that is classed as having medium biodiversity value. I note that the Cherrywood SDZ Biodiversity Plan, prepared by Scott Cawley in 2012 describes the site as a house-garden habitat complex. A Tree Survey was included with the application, which identified 204 tree specimens on the site. The report concluded that the condition of trees on site was overall poor and that many deciduous trees that are close to neglected gardens were subject to compaction during demolition works. Very little mammal activity was observed, including no badger setts during a site walkway. Some tracks, thought to be fox trails were noted. A range of common birds were noted. I note the report of the Department of Culture, Heritage and the Gaeltacht, which recommends that that if permission granted a condition stipulating that the implementation in full of the mitigation measures proposed in the Ecological Impact Assessment be attached to any such permission.
- 10.9.2. A Bat Assessment report was submitted with the application which showed that no tree roosts were identified from a visual assessment of the site. No bat droppings, staining or bats themselves were observed during this assessment. It is acknowledged that due to the scope of the assessment, that overlooking of minor

roosts may have occurred. I note that the survey was based entirely on a visual examination from ground level and that given the time of the survey, a bat detector assessment was not possible. Recommendations are proposed, which appear reasonable and I recommend that if permission is being granted for the proposed development, this issue be dealt with by means of condition.

- 10.9.3. A Stage 1 Screening for a proposed development at Glenamuck Road was submitted with the application. This Report states that there are 9 Natura 2000 sites within 10km of the development site, with the nearest site Knocksink Wood SAC (Site Code 000725) being a stated 4.6km south. The generic conservation objectives for all of these sites is to maintain or restore the favourable conservation condition of the Annex I habitats and Annex II species for which these sites have been selected. It is stated that having regard to the location, nature and scale of the proposed development, it is considered that there is no potential for significant effects either from the proposed development on its own or in combination with other plans and projects. I note that the proposed development lies outside the boundaries of the Natura sites identified within the Screening Report and therefore there will be no reduction in habitat. It is concluded within the Appropriate Assessment Screening Report that the proposed development will have no significant impacts upon any Natura 2000 sites and it concludes by stating that the proposed development does not need to proceed to Stage II of the Appropriate Assessment process.
- 10.9.4. I note that the proposed development is located on a brownfield site on lands zoned for residential development. I draw the attention of the Bord to the fact that only designated sites within 10km of the development site were investigated. However, given the localised nature of potential impacts, the fact that this development is located within a developed area and the lack of direct connectivity to Natura 2000 sites, this is considered reasonable in this instance.
- 10.9.5. Based on all of the information before me and having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and 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.

## 10.10. Other issues

- 10.10.1. In terms of archaeology, I note that the development site is located partially within the complex of monuments at Carrickmines Castle, Recorded Monument DU026-005 (Deserted Settlement), which are subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994. An Archaeological Assessment has been submitted with the application. The report of the Minister for Culture, Heritage and the Gaeltacht states that it concurs with the recommendation of that archaeological assessment (Section 5.2, pg. 14) that archaeological testing be carried out on previously untested areas of the development site. It continues by stating that on the basis of the information and the analysis of the impacts and likely impacts of the development, should planning permission for the proposed development be granted, they recommend that an appropriate condition pertaining to pre-development testing be included. This is considered reasonable.
- 10.10.2. If the Bord is disposed towards a grant of permission, I recommend that details relating to phasing and taking in charge be dealt with by means of condition.
- 10.10.3. The Bord is advised to note that the site falls within an area subject to a section 49 Supplementary Development Contribution Scheme for LUAS Line B1. Appendix B of the Chief Executive Report outlines suggested contributions if the Bord is minded to grant permission for the proposal.

## 11.0 Conclusion and Recommendation

- 11.1. In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established suburban area where a wide range of services and facilities exist. I have no information before me to believe that the proposal, if permitted, would put undue strain on services and facilities in the area. In my opinion, an appropriate, high quality development with a mix of units would be acceptable on this site. In this current proposal, the proposed pedestrian connections should be welcomed as a positive for the wider area. I am satisfied that the proposal will not impact on the visual or residential amenities of the area, in particular the properties along Golf

Lane, which are the nearest residential properties to the site, to such an extent as to warrant a refusal of permission.

- 11.2. However, I am of the opinion that the strategic, gateway location of the site is such that it has the capacity to accommodate a development of much greater height and density than that proposed without detriment to the amenities of the area. I am not satisfied that this is the optimal architectural solution for this strategic landmark site. By providing a landmark building of greater height at this location, it would aid in addressing the current housing shortage, would provide a more sustainable residential density on the site and would aid in creating character for this emerging suburban area, all without detriment to the amenities of the area. I therefore consider the proposal not to be in compliance with national policy guidance in this regard and consider the proposal to be inconsistent with the proper planning and sustainable development of the area. Having regard to all of the above, I recommend that permission is refused.

## 12.0 Reasons and Considerations

1. Given the location of the site within the built-up area of Carrickmines; proximate to public transport linkages; to the M50 major transport corridor and to both established and emerging social, retail and employment facilities; it is considered that the proposed design strategy as it relates to height and density does not provide the optimal architectural solution for this strategic gateway site. It is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage at this strategic location. Furthermore, the height of the proposed development is considered to be an inappropriate design response to the site, given its locational context, which has the capacity to accommodate a building of much greater height and architectural significance than that proposed. Accordingly, the proposed development is considered to be contrary to national policy as set out in the National Planning Framework and section 28 Ministerial Guidance and is considered to be inconsistent with the proper planning and sustainable development of the area.

---

Lorraine Dockery  
Senior Planning Inspector

12<sup>th</sup> November 2018

## **APPENDIX A- List of submissions received**

Avril Browne

Ciara Murphy

Colin Rodgers

DAU

Ding Ding Shi and Others

Donal and Grainne Rooney

Dublin Cycling Campaign

Irish Water

Katie Judd

Kilternan Glanmuck Residents

Association

Kun Niu

Laura Erskine

Lin Liu and Kevin Lin

Madeline Collins and Eoin Flynn

Michael and Teresa Murphy

Paul Carruthers

Philip Murray

TII

Ultan O'Brien

Xin Wang

Yizgzhao and Chugh Linn