



An  
Bord  
Pleanála

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

## Inspector's Report ABP-303467-19

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### Strategic Housing Development

706 BED SPACE STUDENT  
ACCOMMODATION AND ALL  
ASSOCIATED SITE SERVICES

### Location

Avid Technology International,  
Carmanhall Road, Sandyford Industrial  
Estate, Dublin 18.

### Planning Authority

Dun Laoghaire Rathdown County  
Council

### Applicant

Prime Living Sandyford Ltd.

### Prescribed Bodies

Transport Infrastructure Ireland  
Health Service Executive  
Irish Water

**Observers**

None on file

**Date of Site Inspection**

16<sup>th</sup> April 2019

**Inspector**

Sarah Moran

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## 1.0 Introduction

- 1.1. 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 site is in the centre of Sandyford, at the junction of Carmanhall Road and Blackthorn Road, with frontages to both roads and immediately opposite the junction of Blackthorn Road and Burton Hall Road. This is a prominent location within the former Sandyford Industrial Estate and the site is visible from some distance to the east on Burton Hall Road and from various vantage points in the surrounding area. This area is currently undergoing transformation from low rise industrial, employment and office uses to higher density residential and mixed use developments. The Stillorgan Luas stop is c. 350 m to the north east of the site and a number of bus routes run along Blackthorn Road.
  - 2.1.1. The site has a stated total area of 1.05 ha and falls from south to north such that it is above the level of Carmanhall Road and Blackthorn Road. It was previously occupied by a 2 storey warehouse / production building with ancillary offices (c. 3,890 sq.m.), 'Avid Technology International' (now demolished), with a large area of surface car parking. The immediate surroundings of the site reflect the ongoing changing nature of Sandyford and include a single storey commercial building and the 6 storey Microsoft building on Carmanhall Road to the north, low profile commercial buildings to the west fronting onto Ravensbrook Road, a 6 storey office complex to the south on Blackthorn Road and a 2-3 storey office and light industrial buildings on the opposite side of Blackthorn Road

- 2.2. Part of the site (0.3 ha) is owned by Dun Laoghaire Rathdown County Council (DLRCC), a letter of consent is submitted. These lands include the vehicular carriageway, green verge with planting and pedestrian footpath along Carmanhall Road and a green verge with planting and pedestrian footpath along Blackthorn Road.

### 3.0 Proposed Strategic Housing Development

- 3.1. The development involves 131 no. student accommodation units as follows:

UNIT TYPE	NO. OF UNITS	No. of Bedrooms
2 bed	17	34
3 bed	1	3
4 bed	8	32
5 bed	42	210
6 bed	21	126
7 bed	35	245
8 bed	7	56
<b>Total</b>	<b>131</b>	<b>706 bedrooms</b>

The proposed bedrooms include 111 no. 'room type C' (25 sq.m.), a double room, hence there is a projected total of **817 bedspaces** in the scheme. The student accommodation will be professionally managed and accommodation will be available for short-term stays outside of term time.

- 3.2. The development has a height of 7-9 stories (max. height c. 29m). It has a 'U' shaped configuration with facades close to the road frontage at Blackthorn Road and Carmanhall Road and an internal courtyard / podium over undercroft parking. The southern side of the site is open to allow light into the courtyard. The development also involves:

- Ancillary student facilities including entrance / reception area (101 sq.m.), management office (55 sq.m.) and gym (297 sq.m.); 21 no. communal spaces

(separate to the living spaces serving the apartments) with movie room, study and hang out spaces (total 842 sq.m.);

- 2 no. commercial units at the Blackthorn Road frontage, a café / lounge (119 sq.m.) and a laundrette (85 sq.m.), to serve both the student accommodation and the broader area;
- 57 no. car parking spaces, 586 no. bicycle parking spaces and 5 no. motorcycle parking spaces;
- Main vehicular access from Carmanhall Road. New vehicular entrance from Blackthorn Road to serve bin collection and emergency services only. Internal road connection between both entrances and also serving the parking area;
- New cycle path along Blackthorn Road;
- Central landscaped courtyard with hard and soft landscaping, seating areas, basketball court and climbing wall;
- Works to public realm along Blackthorn Road and Carmanhall Road frontages including landscaping, footpath and cycleway.

## 4.0 Planning History

### 4.1. D16A/0158 Development Site

- 4.1.1. Permission granted by DLRCC following a request for further information on 1<sup>st</sup> September 2016 for development comprising demolition of the existing building and the construction of a 5 - 8 storey mixed use development in 2 blocks comprising 147 no. apartments, crèche, gym, media suite, café; single level undercroft providing 151 no. car parking spaces, 158 no. cycle parking spaces, service and plant areas, waste management areas and storage areas; new vehicular entrance from Carmanhall Road and a fire tender / cycle access from Blackthorn Road, internal landscaped courtyard and all other associated works including the provision of 32 no. surface bicycle parking spaces and the relocation of the existing pedestrian crossing on Carmanhall Road.

### 4.2. D07A/0453 PL06D.227592 Modifications to D05A/0239

4.2.1. Permission sought for modifications to development permitted under Reg Ref D05A/0239 comprising provision of an additional floor of 3,352 sq.m. floorspace with 40 additional apartments between the permitted 3<sup>rd</sup> and 4<sup>th</sup> floors, bringing Block C to 7<sup>th</sup> floor level, Block D to 9<sup>th</sup> floor level, Block B partly to 9<sup>th</sup> and partly to 11<sup>th</sup> floor level and Block A to 10<sup>th</sup> floor level, with a portion of Block A on the corner of Carmanhall and Blackthorn Roads rising to 13<sup>th</sup> floor level. Two permitted apartments at second floor level given over to an increased crèche of 370 sq.m. floor area. The total number of apartments is increased by 38 no. to 300 no. Increased basement car-parking area to provide an additional 43 car parking spaces, bringing the total proposed to 380 spaces.

4.2.2. Permission refused by DLRCC and refused by ABP for the following reasons:

1. The site of the proposed development is located in Sandyford Business Estate, where it is the land use zoning objective, as set out in the Dun Laoghaire-Rathdown County Development Plan 2004-2010, to provide for economic development and employment, with a related objective to support the area as a major employment centre, and for which area the planning authority has a vision for a high quality environment, accessible to sustainable modes of transport with a range of facilities. Having regard to the amount and type of development already existing or permitted in the Estate, to existing and significant constraints in the provision of adequate transport infrastructure to serve the area (in terms of road access and of public transport capacity), of water and drainage services, of social infrastructure (including educational facilities) and of recreation/amenity facilities, and to the absence of specific measures to address these constraints, it is considered that further development of the quantum proposed, notwithstanding the specific objective in the development plan to encourage high density apartment development in Sandyford Business Estate, would militate against the land use zoning objective for the area and conflict with the vision of the planning authority for a high quality and accessible environment. The proposed development would, therefore, by itself and by the precedent it would set for other, similar high density development in the area, be contrary to the proper planning and sustainable development of the area.
2. Development of the kind proposed on the land would be premature by reference to:

(a) the existing deficiency in the road network serving the area, including considerations of capacity, and the prospective deficiency in the road network serving the area, which would arise because of the increased road traffic likely to result from the development and other prospective development and which would render that road network unsuitable to carry the increased road traffic likely to result from the development,

(b) the existing deficiency in the provision of public transport facilities,

(c) the existing deficiency in the provision of foul sewerage facilities,

(d) the existing deficiency in the provision of recreation/amenity facilities, and the period within which the constraints involved might reasonably be expected to cease.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

#### 4.3. **D05A/0239 Development Site**

- 4.3.1. Permission granted for development comprising 2,175 sq.m gross retail / commercial floorspace at ground floor level and 265 apartments in 4 blocks up to 12 floors in height; car (337 spaces) and cycle (348 spaces) parking; new service road off Carmanhall Road and access for emergency vehicles to 2<sup>nd</sup> floor podium level from Blackthorn Road.

#### 4.4. **Recent Decisions at Adjacent Sites**

##### 4.4.1. D16A/0076 Opposite Side of Blackthorn Road

Relating to a 1.37 ha site immediately across from the development site, at the junction of Blackthorn Road and Burton Hall Road. Permission granted for a 27,751 sq.m. development comprising 4 no. 6 storey over basement office buildings with a café on the ground floor of Block D; 277 no. car parking spaces, 168 no. bicycle parking spaces; vehicular access from Arena Road; public plaza incorporating soft and hard landscaping and water features and 80 no. cycle parking spaces and associated site works.

##### 4.4.2. ABP-301428-18 Former 'Aldi' Site Opposite Side of Carmanhall Road



Relating to a site on the opposite side of Carmanhall Road and also fronting onto Blackthorn Drive, part of the larger 'Allegro' block. Permission granted by DLRCC and by ABP for a 5 to 14 storey mixed use development in 2 blocks comprising: 1) 147 no. apartments; 2) crèche, gymnasium, media suite and café at ground level fronting onto Blackthorn Road; 3) a single level undercroft providing 151 no. car parking spaces, 158 no. bicycle parking spaces, service and plant areas, waste management areas and storage areas; 4) new vehicular entrance from Carmanhall Road and a fire tender / bicycle access from Blackthorn Road; 5) internal landscaped courtyard; 6) and all other associated works including the provision of 32 no. surface bicycle parking spaces and the relocation of an existing pedestrian crossing on Carmanhall Road.

## **5.0 Section 5 Pre Application Consultation**

### **5.1. Pre-Application Consultation ABP-301629-18**

- 5.1.1. The pre-application consultation related to 115 no. units (828 no. bedspaces) at the development site.
- 5.1.2. A section 5 consultation meeting took place at the offices of An Bord Pleanála on 21<sup>st</sup> June 2018. Representatives of the prospective applicant, the planning authority and ABP were in attendance. The issues raised were as follows:
1. Development strategy in context of site zoning; unit typology, quantum and distribution of communal facilities; internal amenity
  2. Drainage issues- foul drainage and stormwater / flood impact assessment
  3. Traffic and transportation
  4. Other matters
- 5.1.3. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, ABP 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. The applicant was advised to address the following issues in the documents submitted that could result in them constituting a reasonable basis for an application for Strategic Housing Development.

1. Further consideration and/or justification of the documents as they relate to the proposed commercial element of the scheme in terms of public accessibility, their availability for use by the wider public and the creation of an active streetscape as per section 3.5.4 of the Sandyford Urban Framework Plan 2016 and Specific Local Objective 113 of the operative County Development Plan, 2016. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.
2. Further consideration and/or justification of the documents as they relate to the internal layout of the proposed development, having particular regard to the quantum, distribution and compatibility of communal facilities and their location within the overall development, creation of an attractive and accessible central hub and the provision of a greater range of apartment types. Further consideration of the proposed quantity of 7 and 8 bed units, or justification at application stage, if the number of these units is to be maintained. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

5.1.4. The applicant was advised to submit the following specific information with any application for permission:

1. Additional drainage details having regard to the Report of Irish Water to An Bord Pleanála dated 11<sup>th</sup> June 2018, together with the report of the Drainage Division of the planning authority, as contained in the Chief Executive Report dated 5<sup>th</sup> June 2018.
2. Additional documentation relating to appropriate flood risk assessment that demonstrates the proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including associated 'Technical Appendices').
3. Internal Daylight / Sunlight Analysis, showing an acceptable level of residential amenity for future occupiers.
4. A site specific Student Management Plan which includes details on management outside of term-time.
5. Construction and Demolition Waste Management Plan.

6. Waste Management Plan.

7. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed.

## 5.2. Applicant's Response to Pre-Application Opinion

5.2.1. The applicant has submitted the specific information requested. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows.

### 5.2.2. Response to Item 1

- The applicant has re-examined the commercial elements of the scheme and the street frontage and has made a number of changes.
- The current proposal retains a laundrette and café / lounge at the Blackthorn Road frontage which will serve both the residents of the development and the surrounding area more broadly. The street frontage activation resulting from these two commercial components has been enhanced. A pedestrian entry lobby has been created in the site's north-eastern corner, to increase footfall along the Carmanhall Road frontage. The size of the entrance reception has been increased by 22.2 sq.m. to improve passive surveillance of the adjacent section of Carmanhall Road.
- The application boundary has been extended to include land owned by DLRCC, which allows for the creation of public open space areas along Carmanhall Road and Blackthorn Road, also a cycle path on Blackthorn Road. The extended public open space area features seating and landscaping areas, which have been designed with regard to the Wind Microclimate Study. The level difference between the development site and the footpath and road has been reduced and the landscaping creates an appropriate transition between the site and the street, making the public open space more appealing and accessible to passers-by.
- The north-facing windows to the ground floor units facing Carmanhall Road have been elongated to improve surveillance of the public realm while the use of coloured glass panels ensures an appropriate level of privacy for the residents of ground floor apartments.

### 5.2.3. Response to Item 2

- The applicant has re-examined the internal layout of the development, particularly the communal facilities and the range of apartment types.
- Additional communal spaces have been provided across all levels of the development, to bring the overall total no. of communal spaces to 21 with a combined floor area of 842sq.m. These additional spaces comprise multi-functional communal spaces and study spaces which are independent of the individual apartments and are at easily accessible locations adjacent to the lift / lobby, so that they can be used by all students within the development.
- The additional communal spaces build on the central hub, which features a large outdoor area including climbing wall, a gym, café / lounge, movie room and a large area of communal space across ground and mezzanine level, to create an attractive living environment for residents.
- The sizes of the communal kitchen / living room areas have been increased for some apartment types, including the 3, 4, 5 and 6 bed units, further improving internal amenity.
- The number of 7 and 8 bed apartments has been reduced from 37 no. and 57 no. to 35 no. and 7 no. respectively. The revised scheme has a greater no. of 4, 5 and 6 bed apartments than the previous proposal. A new 4 bed apartment type has been introduced: Type A (493 no. bedrooms) Type B (58 no. bedrooms), Type C (111 no. bedrooms) and Type D (44 no. bedrooms). The Type C bedrooms can accommodate 2 no. bedspaces, if required, providing further variation across the range of bedroom types provided. 44 no. disabled access bedrooms are included as Type D.
- The various apartments proposed feature a mix of Type A, Type B, Type C and Type D bedroom types. The provision of a greater range of bedroom types and apartments, as well as the provision of communal spaces across all levels as discussed above, improves the range and quality of accommodation proposed.

## 6.0 Relevant Planning Policy

### 6.1. National Policy

6.1.1. The following is a list of relevant section 28 Ministerial Guidelines:

- 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, as updated March 2018
- Design Manual for Urban Roads and Streets (DMURS)
- The Planning System and Flood Risk Management including the associated Technical Appendices
- Urban Development and Building Heights – Guidelines for Planning Authorities

6.1.2. The following policy documents are also relevant:

- Dept. of Education and Science Guidelines on Residential Developments for 3<sup>rd</sup> Level Students Section 50 Finance Act 1999 (1999).
- Dept. of Education and Science Matters Arising in Relation to the Guidelines on Residential Developments for 3<sup>rd</sup> Level Students Section 50 Finance Act 1999. (July 2005)
- National Student Accommodation Strategy, Dept. of Education and Skills, 2017.

### 6.2. Dun Laoghaire Rathdown County Development Plan 2016-2022

6.2.1. Sandyford is a 'Secondary Centre' in the development plan Core Strategy. The settlement strategy encourages the consolidation and densification of the existing urban built form. Sandyford Business District is identified as a primary growth node from which a significant portion of the supply of residential units will derive up to 2022 and beyond. The sustainable communities strategy as per section 2.1.3.3 encourages residential densities > 50 units / ha within c. 1km of public transport nodes, in line with national policy. Policy RES14: Planning for Communities is to ensure that proper community and neighbourhood facilities are provided in

conjunction with, and as an integral component of, major new residential developments. Section 2.1.3.14 states:

*“It is considered reasonable that the developers or promoters of major residential or mixed-use schemes will be required to make provision for new sports, recreational, community and other support infrastructure - including active recreational space for children - commensurate with the needs of the new community as an integral part of their proposal.”*

Policy ST11: Public Transport Improvements aims to optimise existing / proposed public transport corridors including increased densification and consolidation along strategic corridors to encourage greater usage of public transport.

6.2.2. Development plan section 2.1.3.12 includes Policy RES12:

*“It is Council policy to facilitate student accommodation on student campuses or in locations which have convenient access to Third Level colleges (particularly by foot, bicycle and high quality and convenient public transport) in a manner compatible with surrounding residential amenities. In considering planning applications for student accommodation the Council will have regard to the ‘Guidelines on Residential Developments for Third Level Students’ and its July 2005 Review (particularly in relation to location and design).”*

Section 8.2.3.4 (xii) sets out a hierarchy of priority for locations for student accommodation as follows:

1. On Campus
2. Within 1km distance from the boundary of a Third Level Institute
3. Within close proximity to high quality public transport corridors (DART, N11 and Luas), cycle and pedestrian routes and green routes.

In all cases such facilities will be resisted in remote locations at a remove from urban areas. Issues to be considered regarding student accommodation include potential impacts on residential amenities, the level and quality of on-site facilities, the architectural quality of the design and layout and the number of existing similar facilities in the area:

*“In assessing a proposal for student accommodation the planning authority will take cognisance of the amount of student accommodation which exists in the locality and*

*will resist the over-concentration of such schemes in any one area in the interests of sustainable development and residential amenity.”*

6.2.3. The development site is zoned as A2 with an objective

*“To provide for the creation of sustainable residential neighbourhoods, and preserve and protect residential amenity in Zone 5 of Sandyford Business District”.*

There is an objective to provide green cycle / pedestrian routes along Carmanhall Road and Blackthorn Road in front of the development site. Specific Local Objective SLO 113 applies at the site:

*“To facilitate the provision of community infrastructure at ground floor along the eastern outer edge of the Carmanhall residential neighbourhood along Blackthorn Road, to create active street frontage and to ensure the appropriate provision of social and community infrastructure to serve the needs of the residents and employee population.”*

6.2.4. Development plan policy UD6:

*“It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the county.”*

Appendix 9 Building Height Strategy. Section 3.1 Sandyford Business District, building height limits are set by the SUFP:

*“The stated building height limits in the SUFP do not represent a ‘target’ height for each site – it is essential that any building makes a positive contribution to the built form of the area. It is intended that building height shall therefore be determined by how it responds to its surrounding environment and be informed by: 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; views into the area and long distance vistas.”*

### **6.3. Sandyford Urban Framework Plan 2016-2022**

6.3.1. The SUFP is incorporated as Appendix 15 of the County Development Plan. It envisages the ongoing development of Sandyford primarily as an employment area but with complementary mixed uses including residential development. SUFP section 1.6 describes the Sandyford Business Estate, where the subject site is located, as follows:

*“Sandyford Business Estate is at a pivotal stage of development in terms of type of business. Parts of Sandyford Business Estate are in the process of transforming from an area of low-density freestanding buildings formed around a road network, to higher density development within a tighter urban grain. This transition in form and land use has been driven primarily by landownership rather than by a master plan for the overall area. Recent high density developments have little spatial relationship with their neighbours and as a consequence the area has become fragmented. The current mix of uses lack co-ordination and rationale.”*

Building heights within Sandyford Business Estate range between 1 and 2 storey developments in the established part of the estate to between 4/5 and 14 storeys in recently permitted schemes.

6.3.2. The development site is located within Zone 5 ‘Carmanhall Road Neighbourhood’. Residential development is to be the primary land use in Zone 5 and the environment should be designed to be conducive to the development of sustainable residential neighbourhoods. The following points are noted in relation to the Carmanhall Road neighbourhood:

- Located close to existing residential developments at Beacon South Quarter, Rockbrook and at Corrig Road and Ballymoss Road and within walking distance of proposed social, educational and recreational amenities and the proposed transport interchange and Luas along Blackthorn Drive / Avenue.
- The outer edge of this residential area, fronting Blackthorn Road, provides for uses that will create active street frontage and provide a transition between the residential area and the opposing employment based areas along Blackthorn Road. It is anticipated that these own door business units will provide appropriate facilities for small businesses (Map 1, SLO 113).
- SLO 113 applies to the development site to ensure the appropriate provision of social and community infrastructure to serve the needs of the resident and employee population. Indoor community facilities (e.g. community rooms, indoor active recreational uses for residents) are to be provided at ground floor level at the junction of Carmanhall Road and Blackthorn Road.

6.3.3. Section 2.4.2 states that the overall quantum of residential use already permitted in the Mixed Use Core Areas is sufficient to provide vitality to these areas. Therefore,



future residential development is to be primarily focused within the residential zoned land in Zone 5. This will enable the creation of sustainable residential neighbourhoods, with provision being made for education and recreational needs, and an environment more conducive to protecting residential amenity and able to cater for a mix of home types. In addition to the units already permitted, in September 2011, an additional c. 1,000 units are proposed within Sandyford Business District.

6.3.4. SUFP maps identify the following specific standards for the development site:

- Map 2 Plot Ratios / Residential Densities. Residential density of 175 units/ ha
- Map 3 Building Height. Proposed height limit of 8 storeys.

Objective BH1:

*“It is an objective of the Council to ensure that Sandyford Business District is developed in accordance with the height limits set out in Map 3 Building Height subject to the building making a positive contribution to the built form.”*

6.3.5. SUFP section 3.5.4 sets out the following principles for the development of the Carmanhall Road residential neighbourhood:

- Carmanhall Road which forms the base line for this residential neighbourhood and is considered essential in enhancing connectivity and linking the different retail, commercial and residential aspects of Sandyford Business District.
- This residential neighbourhood shall be contained by tall buildings at either end of Carmanhall Road where the building line along the southern side of Carmanhall Road shall be set back to provide a linear greenway. This linear greenway will widen into a substantial Civic Park located at the junction of Corrig Road and the north west of Carmanhall Road. It is envisaged that the Park together with the greenway will provide high amenity open space for both the local residents and employees alike.
- The urban form shall provide a strong, animated and active outer edge, with commercial uses at ground floor level, to the residential neighbourhood fronting onto Blackthorn Road. This outer edge whilst promoting routes and permeability will act as a buffer to the inner residential area and the green areas of this neighbourhood.

6.3.6. SUFP objective TAM1 is to require all future development in the Sandyford Business District to achieve a peak hour transport mode split of 45% trips by car drivers (maximum) and 55% trips by walking, cycling and public transport and other sustainable modes (minimum targets) as per Government policy stated in the document published by the Department of Transport entitled, 'Smarter Travel, A Sustainable Transport Future 2009-2020'. Objective TAM7 includes cycle routes on Blackthorn Road, from the junction of Burton Hall Road to Blackthorn Drive and on Carmanhall Road, from the junction of Corrig Road to Blackthorn Drive.

6.3.7. Policy SUFP 9 Community Facilities is to encourage the provision of community facilities within appropriate locations to cater for local needs:

*“Community facilities to cater for neighbourhood requirements such as community centres accommodating local meetings, social events and community activities and spaces for indoor recreational facilities, shall be provided at a local level and in appropriate locations within Zones 1 and 2, Mixed Use Core Area and Zone 5, Sustainable Residential Neighbourhoods. In particular there is a Specific Local Objective (SLO 113) to facilitate the provision of a community facility at ground floor level along the eastern outer edge of the Carmanhall Residential Neighbourhood, along Blackthorn Road.”*

## **7.0 Applicant’s Statement of Consistency**

7.1.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines, the County Development Plan, the SUFP and other regional and national planning policies. The following points are noted:

- The development is consistent with policy on purpose built student accommodation (PBSA) set out in the NPF as it involves the redevelopment of underutilised land in close proximity to a number of third level institutions.
- The proposed increase in building height and density from that permitted at the site under D16A/0158 is consistent with SPPR1 of the Urban Development and Building Heights Guidelines for Planning Authorities. The development scores

highly when assessed against the development management criteria set out in the Guidelines.

- The development responds to a recognised need, at national level, for additional, dedicated student accommodation and is consistent with policy in this regard. It will free up pressure on the existing rental market in the area and will thus make the most of the existing housing stock to cater for much needed rental accommodation, in accordance with the Rebuilding Ireland Action Plan for Housing and Homelessness.
- The National Student Accommodation Strategy supports the delivery of an increased level of supply of PBSA. It highlights a grave need for PBSA in Dublin and identifies a shortfall of 17,866 bed spaces in the current provision of student accommodation. The development is consistent with the objectives of the Strategy providing 817 no. student bedspaces.
- The development complies with the guidance provided in the Dept. of Education and Science Guidelines on Residential Development for Third Level Students (1999), the subsequent supplementary document (2005) and the document 'Student Accommodation Scheme', Office of Revenue Commissioner (2007) with regard to floor areas, layout and facilities.
- The development has been designed to address the guidance provided in the Sustainable Residential Development in Urban Areas Guidelines for Planning Guidelines and to meet the 12 criteria set out in the associated Urban Design Manual in terms of response to locational context, connectivity, promotion of social integration, efficient use of land and energy, provision of a distinct sense of place and creation of a high standard residential environment.
- The development contributes to the consolidation sought by the Regional Planning Guidelines for the Greater Dublin Area 2010-2022 while making efficient use of underutilised land in close proximity to a Luas stop and to a number of bus routes.
- The provision of student accommodation at a location in close proximity to high quality public transport infrastructure is consistent with the vision and strategies

outlined in the development plan Core Strategy. The development is consistent with the strategic direction outlined for Sandyford with regard to residential development and student accommodation. It is consistent with the residential zoning of the site and with SLO 113.

- The development is consistent with the objectives for Zone 5 (A2) of the SUFP area as it provides residential units, indoor community facilities (including a gym and laundrette) and a generous private open space area. The building has been set back from Carmanhall Road and landscaping / seating is proposed within the setback. It is consistent with the guidance provided for the development site as Site 11 in the SUFP area.
- The development plan Building Height Strategy allows for the consideration of building heights over the limits indicated on Map 3 of the plan, i.e. 8 storeys for the development site. The introduction of a 9 storey element is considered an appropriate deviation from the development plan given the existing and emerging building heights in the immediate surrounds as well as national planning policy as per the Urban Development and Building Heights Guidelines for Planning Authorities.
- The proposed residential density is considered appropriate with regard to the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and development plan policy, given the proximity to the site to the Stillorgan Luas stop.
- The development is consistent with development plan objectives in relation to the public realm, ref. PR1, PR3, PR9 and PR10 as it provides a generous setback to Carmanhall Road and Blackthorn Road which features hard and soft landscaping and seating areas. Furthermore, the development incorporates a green roof and includes a cycle track along northern and eastern site boundaries.
- Section 5.21 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities provides that student accommodation projects will not normally be subject to Part V requirements. The Board have adopted the same view in a number of recent SHD applications.

## 8.0 Third Party Submissions

8.1. There are no third party submissions on file.

## 9.0 Planning Authority Submission

9.1. The planning authority has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members of the Dundrum Area Committee, as expressed at their meeting of the 28<sup>th</sup> May 2018. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows. The submission includes several technical reports from relevant departments of DLRCC, which are incorporated into the following summary.

### 9.1.1. PA Comment on Principle of Development

- The principle of development is considered to be consistent with the development plan Core Strategy with regard to the provision of additional student housing units.
- The residential use is acceptable in principle with regard to the site's zoning objective. An increase in the residential population of the Sandyford Business District will complement the current dominance of the employee population in the wider area, providing vitality outside office working hours and enhancing the commercial viability of enterprises that operate outside working hours.
- The principle of the development is consistent with the National Student Accommodation Strategy.
- The development is in accordance with development plan policy on student accommodation. There is significant demand for student accommodation in the county that has to be addressed. There are premises associated with the delivery of the Royal College of Surgeons graduate medical programme within Sandyford Business District at Reservoir House. The site is accessible to other third level institutions by bus and Luas. There are currently no issues with over concentration of student accommodation in Sandyford Business District. The use outside term time for short term lets is in accordance with the definition of student

housing under the Planning and Development (Housing) and Residential Tenancies Act 2016.

- The planning authority requests the provision of an external doorway between the proposed library / study space that opens directly onto Blackthorn Road in the interests of an active street frontage and in accordance with SLO 113 and the SUFP objectives for the development site.
- It is questionable whether the proposed ground floor uses at the Blackthorn Road frontage comply with the requirement for a community facility at this location. SLO 113 is for the provision of social and community infrastructure to serve the needs of the resident and employee population. Site 11 was selected for this SLO having regard to urban design principles and to the protection of residential amenity. It is the only site selected for this clear purpose in the Sandyford Business District. The social / community infrastructure at Site 11 is intended to serve the wider needs of the Sandyford Business District rather than the needs of just the residents of the site. The community facility is intended to cater for neighbourhood requirements such as community centres accommodating local meetings, social events and community activities and spaces for indoor recreational activities. The definition of a community facility in the development plan makes it clear that such facilities can involve the charging of fees. This matter should be clarified by way of planning condition. It is recommended that a condition be imposed to ensure that gym membership is available to residents of the development and to residents and employees of the Sandyford Business District.
- Having regard to the design, build and operate model proposed, as well as the proposed open plan layout of the café / lounge, the library / study space and the reception lobby, the planning authority considers that the proposals offer scope to make a greater contribution to the social and community infrastructure of the Sandyford Business District, in line with SLO 113. It is requested that the applicant offer the use of the café / lounge area on a regular sessional basis amounting to a minimum of 6 hours per week, with one session scheduled in the evening time, as a local community facility to voluntary local / community groups / clubs on an exclusive basis for a nominal fee / low cost basis. A condition should be imposed requiring the submission of a Community Facilities Strategy, setting

out how the café / lounge would be made available on this basis. Such an arrangement would fully satisfy the requirements of SLO 113. If the statutory process provided for a further information stage, the planning authority would use the process in relation to this matter.

- The proposed uses are considered acceptable in principle subject to the above.

#### 9.1.2. PA Comment on Height and Density

- Site 11 is a prominent corner within the Sandyford Business District, intended to perform important urban design functions. The site will provide the edge to the Carmanhall Road residential neighbourhood and it will also form part of the gateway from a busy and animated Blackthorn Road into a quieter, greener residential neighbourhood characterised by a low speed environment. The SUFP outlines a strong urban design vision for Site 11.
- The proposed 9 storey building exceeds the SUFP maximum height limit by 1 storey. Having regard to the explicit identification of site 11 for increased height and the absence of a blanket height limitation across the Sandyford Business District, there is no conflict between SUFP objective BH1 and SPPR 1 of the Building Height Guidelines. Similarly, no conflicts arise between SUFP objective BH1 and SPPR 2 or between BH1 and SPPR 4.
- The applicant has not robustly tested the proposals against the development management criteria set out in section 3.2 of the Building Height Guidelines.
- The proposed additional floor does not cause adverse effects in terms of micro-climate impacts to residents of the proposed development (sunlight, daylight, wind). Potential micro-climate effects on adjoining sites have not been assessed and this deficit to the proposed development is notable. The additional 9<sup>th</sup> storey makes no discernible positive contribution to its urban design context. It does not enhance the envisaged place-making of the Carmanhall Road neighbourhood or the standing of Site 11 in providing an edge to Carmanhall Road or in terminating the Burton Hall Road vista. An 8 storey building would already be significantly taller than existing and planned buildings in the vicinity and would have significant potential to perform legibility and focal point functions.

- The previously approved 8 storey scheme (D16A/0158) at the site was of higher architectural merit than the current proposal. It provided a strong 8 storey corner element, dropping down to 6-7 storeys across its Carmanhall Road and Blackthorn Road elevations. It was characterised by more articulation of its building lines. The current proposal is less visually interesting, bulkier and more poorly articulated than the previous scheme. The design relies on variation in colour and texture to break up the bulkiness of the blocks as well as relying on the framing of the corner element to create a focal point. The 8<sup>th</sup> storey seeks to improve the massing of the structure by reducing the extent of its footprint and providing gaps in its otherwise long monolithic frontages. The effectiveness of this approach is undermined by the addition of a 9<sup>th</sup> storey at a late stage in the design process. The additional 9<sup>th</sup> storey makes for a heavier and more domineering building. It reduces rather than adds visual interest to the scheme. The planning authority strongly recommends a condition to omit the 9<sup>th</sup> storey in the interests of urban design.
- The development has a density of 177 units / ha. The development permitted under D16A/0158 had a density of 182 units / ha. The SUFP specifies a density of 175 units / ha for Site 11. The density of the scheme is misleading given the higher level of occupation of student apartments. If the average household size of 2.75 persons / household is applied, D16A/0158 would accommodate c. 404 persons while the proposed scheme would accommodate c. 706 persons.
- The proposed development has a plot ratio of 1:3.44. D16A/0158 had a plot ratio of c. 1:2. This indicates the significant uplift in density in the current proposal. It is high relative to target plot ratios across the SUFP area. The omission of the 9<sup>th</sup> floor would reduce the plot ratio to an estimated 1:3.2.
- The proposed density is considered very high with regard to the proposed plot ratio and the anticipated occupancy levels. The issues of place-making, community infrastructure and the quality of the public realm are particularly important for this reason.



### 9.1.3. PA Comment on Design and Layout

- The siting and layout of the proposals to the northern, eastern and southern boundaries are considered acceptable.
- There should be a separation distance of 11m between the western gable and the site boundary, to allow for a 22m separation distance between directly opposing windows to habitable rooms in any forthcoming residential block on the adjoining site. The SUFP envisages a development on that site to a density of 150 units / ha and a height of 8 storeys. The proposed western gable is significantly more extensive than the western gable of D16A/0158. It does not achieve the optimum separation distance across much of the block. There is no assessment of microclimate impacts on the site to the west. Having regard to the improvement of the block layout in terms of effects on the adjoining site to the west, the proposals are considered acceptable.
- The proposed boundary treatments are considered poor and overly tall. Revised boundary treatments are recommended by way of condition.
- The absence of private open space is considered acceptable having regard to Dept. of Education and Science Guidelines on Residential Development for Third Level Students (1999) and subsequent supplementary document (2005).
- The proposed communal open space is satisfactory with regard to passive supervision, quantum, active and passive uses and micro-climate studies.
- Concern about the interaction with the public realm at Carmanhall Road, particularly that the development is wholly dependent on public realm lands for the carrying out of level changes with steps and ramps on public realm lands. Concern that this will adversely affect the appearance and functionality of the public realm adjacent to the scheme. The ground floor level of the development is significantly higher than Carmanhall Road. The SUFP requires building lines along Carmanhall Road to be set back to facilitate a greenway. The Parks Dept. requests that recent planting along Carmanhall Road be retained and integrated into the scheme. Amended landscaping proposals are recommended for this

area. The Parks Dept. is seeking a financial contribution of €10,000 for the loss of street trees with regard to SUFP objective A2-5.

- Transportation Section states concerns about provision of a cycle lane along Blackthorn Road in accordance with TAM 7.
- The elevated walkway along Blackthorn Road is 2.45m wide, the public footpath below is 2m wide. It may be necessary to narrow the elevated walkway to provide more compact access arrangements to the ground floor units and ensure the protection of an attractive and functional public realm in line with the SUFP.
- The PA recommends amendments to ground and first floor elevations and interaction with the public realm to improve pedestrian permeability and public amenity, refers to SUFP objective PR1.

#### 9.1.4. PA Comment on Layout, Roads, Traffic, Parking

- The provision of an off-road cycle lane at Blackthorn Road is necessary and in accordance with SUFP objectives. An off road cycle lane is not necessary at Carmanhall Road due to the low speed environment.
- The proposed quantum of car parking is significantly less than that permitted under D16A/0158. It equates to a rate of c. 1 space / 15 bedspaces. This is considered acceptable based on the use as student accommodation and the location of the site. The cycle parking provision complies with DLRCC standards but is less than that recommended in the Apartment Guidelines. Concern that the undercroft cycle parking area is substantially less than that expected to cater for the proposed quantum of cycle parking. This may rely on double stacked provision, which does not comply with DLRCC cycle standards. Conditions are recommended.
- The site is within 1 km of the Luas stop and falls within a section 49 development contribution area.

#### 9.1.5. PA Comment on Residential Amenity of Scheme

- Proposal complies with student apartment standards set out in the Dept. of Education and Science Guidelines on Residential Development for Third Level Students.

9.1.6. PA Comment on Site Services and Flood Risk

- Drainage Planning Section report dated 12<sup>th</sup> February 2019 is generally satisfied subject to conditions.

9.1.7. PA Comment on Part V

- The planning authority does not accept that Part V does not apply to student accommodation and recommends a condition in relation to same but also notes recent ABP decisions in this regard.

9.1.8. PA Comments Conclusion

- The planning authority recommends permission subject to conditions.

## 10.0 Prescribed Bodies

### 10.1. Transport Infrastructure Ireland

- 10.1.1. TII states that the development falls within the area of a section 49 Supplementary Development Contribution Scheme for the Extension of Luas Line B1 – Sandyford to Cherrywood. A condition to apply the section 49 Luas levy should be applied if permission is granted.

### 10.2. Health Service Executive

- 10.2.1. There is a submission by the Environmental Health Service. The following points of same are noted:

- Recommend a Construction Management Plan and Asbestos Removal Plan to be agreed.
- Flood risk management measures recommended in the SSFRA should be required by condition.
- Waste management requirements outlined.
- Foul drainage requirements.
- Public open space should be provided as proposed.
- The sustainability measures set out in the sustainability and Energy Statement should be implemented. It is also recommended that the development takes

account of Ireland's Second National Energy Efficiency Action Plan to 2020 and the policy Smarter Travel, A sustainable Transport Future 2009 – 2020.

- The proposed development is acceptable to the Environmental Health Officers, Air Pollution & Noise Control Unit, subject to conditions.

### 10.3. Irish Water

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

## 11.0 EIA Preliminary Assessment

- 11.1. The application was submitted to ABP after the 1<sup>st</sup> September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

- 11.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

- 11.3. The proposed development involves 131 no. student accommodation apartments on an overall site of c. 1.05 ha. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

- 11.4. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the

environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

## 12.0 Appropriate Assessment Screening

### 12.1. Designated Sites Within 15 km

12.1.1. An AA screening report is submitted dated December 2018. The report lists the following designated sites proximate to the development site:

Site Name (Site Code)	Distance to Development Site	Qualifying Interests
South Dublin Bay SAC (000210)	4 km	Mudflats and sandflats not covered by seawater at low tide [1140].
South Dublin Bay and River Tolka Estuary SPA (004024)	4.9 km	Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130] Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Knot ( <i>Calidris canutus</i> ) [A143] Sanderling ( <i>Calidris alba</i> ) [A144] Dunlin ( <i>Calidris alpina</i> ) [A149] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Redshank ( <i>Tringa totanus</i> ) [A162] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Roseate Tern ( <i>Sterna dougallii</i> ) [A192] Common Tern ( <i>Sterna hirundo</i> ) [A193] Arctic Tern ( <i>Sterna paradisaea</i> ) [A194]

		Wetland and Waterbirds [A999]
Wicklow Mountains SAC (002122)	5.3 km	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>
Wicklow Mountains SPA (004040)	5.54	<p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p>
Knocksink Wood SAC (000725)	6.22 km	<p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p>
Rockabill to Dalkey Island SAC (003000)	8 km	<p>Reefs [1170]</p> <p><i>Phocoena phocoena</i> (Harbour Porpoise) [1351]</p>

Ballyman Glen SAC (000713)	8 km	Petrifying springs with tufa formation (Cratoneurion) [7220] Alkaline fens [7230]
Dalkey Islands SPA (004172)	8.43	Roseate Tern ( <i>Sterna dougallii</i> ) [A192] Common Tern ( <i>Sterna hirundo</i> ) [A193] Arctic Tern ( <i>Sterna paradisaea</i> ) [A194]
North Dublin Bay SAC (000206)	8.7 km	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]
Glenasmole Valley SAC (001209)	10 km	Semi-natural dry grasslands and scrubland facies on calcareous substrates ( <i>Festuco-Brometalia</i> ) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils ( <i>Molinion caeruleae</i> ) [6410] Petrifying springs with tufa formation (Cratoneurion) [7220]
Bray Head SAC (000714)	12 km	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]
Howth Head SAC	13 km	Vegetated sea cliffs of the Atlantic and Baltic coasts

(000202)		[1230] European dry heaths [4030]
Baldoyle Bay SAC (000199)	14.5 km	Mudflats and sandflats not covered by seawater at low tide [1140]  Salicornia and other annuals colonising mud and sand [1310]  Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]  Mediterranean salt meadows (Juncetalia maritimi) [1410]

12.1.14. I also note the following designated sites within 15 km of the development site:

Site Name (Site Code)	Distance to Development Site	Qualifying Interests
North Bull Island SPA (004006)	8.2 km	Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]  Shelduck ( <i>Tadorna tadorna</i> ) [A048]  Teal ( <i>Anas crecca</i> ) [A052]  Pintail ( <i>Anas acuta</i> ) [A054]  Shoveler ( <i>Anas clypeata</i> ) [A056]  Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130]  Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]  Grey Plover ( <i>Pluvialis squatarola</i> ) [A141]  Knot ( <i>Calidris canutus</i> ) [A143]  Sanderling ( <i>Calidris alba</i> ) [A144]  Dunlin ( <i>Calidris alpina</i> ) [A149]  Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156]  Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]  Curlew ( <i>Numenius arquata</i> ) [A160]  Redshank ( <i>Tringa totanus</i> ) [A162]



		Turnstone ( <i>Arenaria interpres</i> ) [A169] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Wetland and Waterbirds [A999]
Howth Head SPA (004113)	13.5 km	Kittiwake ( <i>Rissa tridactyla</i> ) [A188]

**12.2. Potential Effects on Designated Sites**

12.2.1. The submitted AA Screening Report notes that due to the distance separating the development site and the SPA/SACs, there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of the designated sites. The Screening Report does not include any detailed assessment of potential effects the conservation interests of individual designated sites using the source-pathway-receptor model and is considered to be deficient in this regard. It states that because of the distance separating the site and the SPAs there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of the SPAs and this point is accepted.

12.2.2. Having carried out AA screening for other developments in this area, including the recent SHD application at the former ‘Aldi’ site on Carmanhall Road, ref. ABP-301428-18, I am aware that the development is connected to European Sites within Dublin Bay via the surface water and foul water networks. Surface water from the development will discharge to the Carysfort Maretimo stream, which outfalls to the Brewery Stream and ultimately discharges to the Irish Sea at Blackrock. Foul discharge from the development will drain to an existing foul sewer on Blackthorn Drive and ultimately to Ringsend WWTP prior to discharge to Dublin Bay at Poolbeg. The existence of a potential pathway does not necessarily mean that potential significant impacts will arise. The development incorporates SUDS measures and a surface water management system. There is potential for surface water contamination during construction works, this issue is addressed in the submitted AA Screening Report. I am satisfied that there is no possibility of significant impacts on European sites within Dublin Bay from surface water pressures from the development for the following reasons:

- Any pollution event is likely to be short in duration (i.e. confined to storm events during the construction phase);
- There would be dilution within the existing drainage network and receiving water environment;
- There is known potential for waters in Dublin Bay to rapidly mix and assimilate pollutants; and
- The incorporation of attenuation and filtration measures within the design of the development prior to discharge to the surface water network, which will reduce the effects of storm flows on downstream European Sites during operation.

12.2.3. The development will result in an increased P.E. loading to the Ringsend WWTP. Although Ringsend WWTP currently operates above its capacity of 1.64 million P.E., there is no possibility that the additional foul water loading resulting from the development will result in significant effects on European sites within Dublin Bay for the following reasons:

- The coastal waters in Dublin Bay are classed as 'unpolluted' by the EPA;
- The Ringsend WWTP extension is likely to be completed in the short – medium term to ensure statutory compliance with the WFD. This is likely to maintain the 'Unpolluted' water quality status of coastal waters despite potential pressures from future development;
- There remained at the time of writing no proven link between Ringsend WWTP discharges and nutrient enrichment of sediments in Dublin Bay based on previous analyses of dissolved and particulate Nitrogen signatures; and
- Enriched water entering Dublin Bay has been shown to rapidly mix and become diluted such that the plume is often indistinguishable from the rest of bay water.

12.2.4. No other European sites are connected to the development. The development site has a brownfield location within a zoned and serviced urban area. No Qualifying Interest (QI) fauna or habitats were noted within the development site during inspection. There is therefore no potential for significant effects on a European Site resulting from loss of habitats or direct loss of ex situ QI species during the proposed development. This issue is addressed in the submitted AA Screening Report.

### 12.3. In Combination or Cumulative Effects

12.3.1. This issue is not addressed in the submitted AA Screening Report, which is also considered deficient in this regard.

12.3.2. Having carried out AA screening for other sites in the area, I am satisfied that there is no possibility of significant effects on any European site arising from surface and foul water discharges during the construction and / or operation of the proposed development in combination with other plans or projects. This judgement was reached on the basis that:

- The coastal waters in Dublin Bay are classed as ‘Unpolluted’ by the EPA;
- Sustainable development including SUDS for all new development is inherent in objectives of all development plans within the catchment of Ringsend WWTP;
- The Ringsend WWTP extension is likely to be completed in the short – medium term to ensure statutory compliance with the WFD. This is likely to maintain the ‘Unpolluted’ water quality status of coastal waters despite potential pressures from future development;
- There remained at the time of writing was no proven link between WWTP discharges and nutrient enrichment of sediments in Dublin Bay based on previous analyses of dissolved and particulate Nitrogen signatures; and
- Enriched water entering Dublin Bay has been shown to rapidly mix and become diluted such that the plume is often indistinguishable from the rest of bay water.

### 12.4. AA Screening Conclusion

12.4.1. It is reasonable to conclude that on the basis of the information on file, the site inspection and the information available on the relevant Designated Sites, 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 any European site in view of the relevant Conservation Objectives as set out above. Therefore, a Stage 2 Appropriate Assessment is not required in this instance.

## 13.0 Assessment

13.1. The following are the principal issues to be considered in this case:

- Principle of Development
- Building Height and Quantum of Development
- Design and Layout of Student Accommodation
- Interaction with the Public Realm and Relationship with Adjoining Sites
- Visual Impacts
- Traffic and Transport
- Drainage, Flood Risk and Site Services
- Part V

These matters may be considered separately as follows.

### 13.2. Principle of Development

13.2.1. The A2 zoning objective 'To provide for the creation of sustainable residential neighbourhoods and preserve and protect residential amenity' applies to the Sandyford Urban Framework Plan (SUFP) area only. The site is located within Zone 5 of Sandyford Business District within the SUFP, which is to consist of areas where residential development should be the primary land use and the environment should be designed to be conducive to the development of sustainable residential neighbourhoods. The area of the old 'Sandyford Industrial Estate' to the west of the site is undergoing transformation with a mix of residential, retail and commercial development at the Beacon South Quarter and the ongoing development of the 'Allegro' block opposite the Stillorgan Luas stop with residential, retail and other land uses and a recent permission for a large, mixed use development at the former 'Aldi' site, ref. ABP-301428-19. I note that the SUFP provides for high density residential development at the subject site, as distinct from lower density residential at surrounding sites. The issue of residential density is considered further below, however I consider that the proposed student accommodation is generally compatible with the emerging mix of land uses in Zone 5 and in accordance with the

overall vision of the SUIP for this area as it would provide a greater diversity of residential accommodation and be complimentary to its other land uses, e.g. retail.

13.2.2. The Dept. of Education and Skills National Student Accommodation Strategy states a target of the construction of at least an additional 21,000 student accommodation bedspaces by 2024. Development plan housing policy 'RES12: Provision of Student Accommodation' is to facilitate student accommodation on student campuses or in locations which have convenient access to Third Level colleges, particularly by foot, bicycle and high quality and convenient public transport, in a manner compatible with surrounding residential amenities. Development plan section 8.2.3.4 (xii) sets out a hierarchy of priority for locations for student accommodation with on campus provision at the top of the hierarchy, locations within 1 km of a third level institute at the second level and locations in close proximity to high quality public transport corridors, cycle and pedestrian routes and green routes at the third tier. Matters to be considered in the assessment of applications for student accommodation include the amount of student accommodation already extant in the locality, in order to avoid the over-concentration of student accommodation schemes in any one area.

13.2.3. The application includes a 'Student Demand and Concentration Assessment', which outlines national policy on student accommodation provision and sets out the ongoing demand for additional Purpose Built Student Accommodation (PBSA), particularly in the Dublin area. There are several third level institutions within a 3.8 km radius including the Royal College of Surgeons of Ireland at Sandyford, UCD Belfield and Graduate Business School and Dun Laoghaire Institute of Art, Design and Technology. The site also has good connections to the various third level institutions in Dublin city centre via the Luas. On the southside of Dublin, there is a concentration of on campus student accommodation at UCD Belfield including 2,178 no. bedspaces permitted by ABP under TA0001. Permission was recently granted for 576 no. student bedspaces at the 'Blakes and Former Esmonde Motors' site in Stillorgan. There have also been small scale permissions for student bedspaces at the former Montrose Hotel on the Stillorgan Road and at No. 409 Stillorgan Road. There is no existing or permitted student accommodation in the vicinity of the development site. It is evident that the development would not result in an overconcentration of student accommodation and I am satisfied that such accommodation is justified at this location with regard to the proximity / accessibility

to existing third level institutions and to public transport connections. In addition, the proposed use of the student accommodation for short term tourism letting outside of term time is acceptable and in accordance with the definition of student accommodation under the Planning and Development (Housing) and Residential Tenancies Act 2016.

- 13.2.4. The site is within the 'Carmanhall Road Neighbourhood' of Zone 5. The SUFP envisages an active street frontage with 'own door business units' for small businesses at Blackthorn Road, to provide a transition between the outer edge of the residential area and the employment based areas on the opposite side of Blackthorn Road. Specific Local Objective SLO 113 applies to the development site:

*"To facilitate the provision of community infrastructure at ground floor along the eastern outer edge of the Carmanhall residential neighbourhood along Blackthorn Road, to create active street frontage and to ensure the appropriate provision of social and community infrastructure to serve the needs of the resident and employee population."*

SUFP section 2.3.5 (a) proposes the 'indoor community facilities' as community rooms or indoor active recreational uses for residents. Development plan section 8.3.12 defines a community facility as

*"A building or part thereof used for (community) activities organised primarily by the local community and to which the public may be admitted on payment of a charge or free of charge."*

The proposed uses at the ground floor of the Blackthorn Road frontage comprise a laundrette (85 sq.m.), a gym (297 sq.m.), a communal space (341 sq.m.) over 2 floors, a café / lounge space (119 sq.m.) and an entrance reception (101 sq.m.). The laundrette, gym, café and reception area all provide active frontages to Blackthorn Road with own door accesses, which is satisfactory. A condition could be imposed requiring an 'own door' access to the communal area, which is accessed from the internal courtyard, as recommended by the planning authority. I am satisfied that these uses will provide an active frontage at ground floor level of the Blackthorn Road elevation in accordance with the SUFP.

- 13.2.5. The applicant states that the proposed ground floor uses are to serve residents of the scheme as well as the wider area. I consider that the laundrette and the

reception area will primarily be used by residents of the scheme and would not act as community facilities under the above definition. The gym and café will provide active frontages and serve residents and employees of the wider area, achieving the desired transition between the residential and employment zones as per SLO113. Conditions can be imposed requiring that they are open to non-residents. The proposed 'communal space' could provide the basis for a community facility however it appears to be primarily designed as a student support facility. I note the comments of DLRCC, which emphasise that the subject site was selected for this SLO having regard to urban design principles and the protection of residential amenity. It is the only site selected for this clear purpose in the Sandyford Business District. DLRCC recommend that the matter be addressed by way of a condition requiring the applicant to offer the use of the café / lounge area on a regular sessional basis (minimum 6 hours per week), with one session included in the evening time, as a local community facility, to voluntary local groups on an exclusive basis for a nominal fee / low cost, as part of a Community Facilities Strategy. This suggestion is considered reasonable given the design, build and operate model proposed and the intention of the applicant to manage the development. A condition requiring same may be imposed.

13.2.6. To conclude, the proposed student accommodation, community facilities and café are considered to be acceptable in principle under the A2 zoning objective and to be generally in accordance with the vision of the SUIP for the Carmanall Road neighbourhood, as well as the requirements of SLO 113, subject to the recommended conditions.

### **13.3. Building Height and Quantum of Development**

13.3.1. The development has a height of 9 storeys and contains 131 student apartments with a total of 817 no. bedspaces. I note that a 5-8 storey mixed use development with 147 apartments and a residential density of 182 units / ha was recently permitted at the site under D16A/0158. I also note that the applicant originally proposed a development of 115 student apartments (828 no. bedspaces) in a 7 – 8 storey scheme under the pre-application consultation ABP-301629-18. The proposed height and quantum of development have therefore increased since the pre-application consultation.

### 13.3.2. Quantum of Development

SUFP Map no. 2 indicates a residential density of 175 units / ha for the subject site, the highest in the entire SUFP area. The development has a stated residential density of 124 units / ha, based on the total of 131 student apartments. If the larger 7 and 8 bedroom apartments are subdivided into 3 and 4 bed units (total of 173 no. apartments), the resultant density is 165 no. dwellings / ha. I note the comment of DLRCC, which considers residential density in terms of bedspaces. Based on the average household size of 2.75 persons per household, the development permitted under D16A/0158 would accommodate c. 404 persons, while the proposed development would accommodate c. 706 persons. The plot ratio of D16A/0158 is c. 1:2 while that of the current proposal is 1:3.44, i.e. significantly higher. These points are noted, however the nature of student accommodation is fundamentally different from that of a standard apartment development, as evidenced in the different development standards that apply. I note that SUFP Map 2 indicates plot ratios of 1:3 and 1:4 for the higher density mixed use sites in zone 5, e.g. the Allegro block and the site to the immediate south of the subject site, which has an indicative plot ratio of 1:3. The proposed density of development is considered acceptable in principle overall with regard to the nature of the development and the location of the site in an established area in close proximity to a public transport interchange.

### 13.3.3. Building Height

The site is located in an area where a specific building height objective applies, i.e. SUFP Map 3 indicates that it is suitable for a height of 8 storeys. SUFP objective BH1 is to ensure that Sandyford Business District is developed in accordance with the height limits set out in Map 3 subject to the building making a positive contribution to the built form. Objective BH2 also sets out criteria for the consideration of building height including the immediate and surrounding environment, adjoining structures, open space, public realm, views and vistas and impacts on micro climates. These matters are considered further in the remainder of this assessment.

The Urban Development and Building Heights Guidelines issued in December 2018 supersede development plan policy on building height. SPPR 3 of the Guidelines provides that a planning authority may approve development subject to development



management criteria set out in section 3 of same, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. The proposed development may be considered with regard to the development management principles set out in section 3.1 as follows.

- *Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?*

The scheme will provide a high quality infill development in an established urban area, assisting the objective to achieve compact urban growth and providing student accommodation in accordance with the National Student Accommodation Strategy. It therefore is considered to meet this requirement.

- *Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?*

I note the specific provisions for building height in suburban / edge locations in the Building Height Guidelines, including SPPR 4. I consider that the policies and objectives set out in the SUFP are generally in accordance with SPPR 4. I am satisfied that the current County Development Plan and that the SUFP generally address the requirements of Chapter 2 of the Guidelines. However, I note SPPR 1 of the Guidelines:

*“In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.”*

The planning authority submits that, having regard to the explicit identification of the subject site for increased height and the absence of a blanket height limitation across the Sandyford Business District, there is no conflict between SUFP objective

BH1 and SPPR 1. It also states concerns in relation to the design of the development, the prominent location of the site, the compatibility of the proposed development with the urban design vision for Carmanhall Road as envisaged in the SUFP and the lack of assessment of potential micro climate impacts on adjoining sites and general visual impacts. On this basis, the planning authority strongly recommends the inclusion of a condition to omit the 9<sup>th</sup> storey of the proposed development.

Aside from the qualitative matters, the issue arises as to whether the proposed 9 storey development amounts to a material contravention of the SUFP, which is adopted as Appendix 15 of the Dun Laoghaire Rathdown County Development Plan 2016-2022. Section 9(6)(c) of the Planning and Development (Housing) and Residential Tenancies Act 2016 ('the 2016 Act') sets out the circumstances in which permission may be granted for a Strategic Housing Development where there is a material contravention of a provision of the Development Plan, other than land use zoning objective;

*"Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development."*

In addition, Section 8(1)(vi)(II) of the 2016 Act requires that the statutory newspaper notice states

*"where the proposed development materially contravenes the said plan other than in relation to zoning of the land, indicating why permission should nonetheless be granted, having regard to a consideration specified in section 37(2)(b)" of the Act of 2000,"*

These requirements would apply if the proposed development is considered to be a material contravention of the development plan.

The applicant's Statement of Consistency notes that the development 'slightly exceeds' the guidance of the SUFP but submits that this exceedance is appropriate on the basis that the 9 storey element provides a focal point at the Blackthorn Road / Carmanhall Road intersection and is consistent with the direction provided for the

subject site in the SUFP with regard to the provision of tall buildings at either end of Carmanhall Road, also to the planning history of the development site and the surrounding area as well as national policy on building height. The application therefore does not include a Material Contravention Statement in relation to building height policy. Notwithstanding the concerns outlined above, the planning authority comment does not state that the development amounts to a material contravention of the SUFP and the development plan. The Department of the Environment, Heritage and Local Government Development Management Guidelines for Planning Authorities (2007) states;

*“In deciding whether any development would materially contravene the plan, the authority should consider whether there would be a departure from a fundamental provision of the plan or whether the development, alone or in conjunction with others, would seriously prejudice an objective of the plan.”*

On balance, having regard to the limited nature of the proposed exceedance of height policy, to the design of the development, to its general compatibility with the overall policies and objectives of the SUFP and the County Development Plan, to the provision of a satisfactory standard of student accommodation, to the limited impacts on visual amenities and on adjoining sites and to the planning history and mixed character of the vicinity, it is considered that the proposed 9 storey development does not constitute a material contravention of the SUFP or the County Development Plan such as would trigger the above legislative requirements.

- *Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?*

To return to the principles set out in section 3.1 of the Building Height Guidelines, I note that the Guidelines supersede the relevant development plan however it is considered that the development does not materially contravene the SUFP, as discussed above, and the SUFP is considered to be consistent with the NPF.

The matters raised in the Development Management Criteria set out in section 3.2 of the Building Height Guidelines are addressed in the remainder of this assessment. I am generally satisfied that the development adequately addresses the issues of

proximity to high quality public transport connectivity; contribution to the character and public realm of the area, to place-making, to the urban streetscape, to legibility and to the mix of uses in the area. The proposed 9 storey building height is considered acceptable on this basis.

#### 13.4. Design and Layout of Student Accommodation

13.4.1. The proposed student accommodation is to be managed by Prime Living, an international company that currently provides purpose built student accommodation at several locations in Sweden. A Student Management Plan is submitted providing details of the management and operation of the scheme.

13.4.2. The scheme provides 3 interlinked perimeter blocks with the student accommodation grouped in clusters as follows:

Unit Type	No. of Units	% of Total	No. of Bedrooms
2 bed	17	13%	34
3 bed	1	1%	3
4 bed	8	6%	32
5 bed	42	32%	210
6 bed	21	16%	126
7 bed	35	27%	245
8 bed	7	5%	56
<b>Total</b>	<b>131</b>		<b>706 bedrooms</b>

The application indicates that the provision of 706 no. bedrooms includes 44 no. 'Room Type D' accessible rooms and 111 no. 'Room Type D', or double rooms with a floor area of 25 sq.m. This results in a total provision of 817 no. bedspaces.

13.4.3. I note that Item 2 of the Pre-Application Opinion issued by ABP required further consideration of the proposed quantity of 7 and 8 bed units, or justification at application stage, if the number of these units is to be maintained. The development proposed at pre-application stage had a total of 828 no. bedspaces including 37 no. 7 bed units and 57 no. 8 bed units, i.e. 94 no. 7 and 8 bed units in total. The current development has a total of 42 no. 7 and 8 bed units. This has primarily been achieved by a commensurate increase in the no. of 6 bed units. The pre-application submission proposed 16 no. 6 bed units as compared to the current total of 21 no. 6 bed units. The revised scheme also has a greater no. of 4 and 5 bed apartments

than the previous proposal. A new 4 bed apartment type has been introduced: Type A (493 no. bedrooms) Type B (58 no. bedrooms), Type C (111 no. bedrooms) and Type D (44 no. bedrooms). The Type C bedrooms can accommodate 2 no. bedspaces, if required, providing further variation across the range of bedroom types provided. 44 no. disabled access bedrooms are included as Type D. I am satisfied that this amendment addresses the issue raised in the Pre-Application Opinion and that the development has an acceptable mix of apartment types overall.

13.4.4. The development may be considered with regard to the Dept. of Education guidance as follows:

<b>Dept. Of Education Recommendation</b>	<b>Proposed Provision</b>
Each unit to consists of minimum 3 bed spaces, maximum 8 bed spaces.	There are 17 no. 2 bed units. The remaining units have between 3 and 8 bedspaces.
Minimum GFA 55 sq.m., maximum GFA 160 sq.m. Study bedrooms to be arranged in units with a common entrance, access stairs and corridors and ancillary facilities.	The development generally complies with these requirements.
Provision of shared kitchen / dining / living room at a minimum of 4 sq.m. per bedspace.	This development exceeds this standard.
Single ensuite study bedroom 12 sq.m. Single disabled study bedroom with ensuite 15 sq.m.	This minimum standard is exceeded in all instances.
Circulation and storage provision.	This requirement is met.
Where not located on campus, adequate open space should be provided within developments for the amenity of students.	This requirement is met.
Communal facilities including:- caretaker/security office and apartment; centralised storage; laundry facilities; drying rooms and utility rooms; and a seminar room. The floor area of these facilities shall not exceed 12% of the total area of the development, and their cost shall not exceed 12% of the total qualifying expenditure.	These facilities are provided. See analysis of floor areas below.
Communal facilities not > 12% of the total floor area.	This requirement is met.
Disabled access and provision of accessible bedrooms.	44 no. accessible bedrooms are provided (5.39 % of total bedspaces)
Bicycle storage provision.	This requirement is met.
Refuse storage provision.	This requirement is met.
Corridors not > 15m from 'landing' area.	This requirement is met.
No. of apartments per lift core not > 30.	This requirement is met.
Minimum 1 / 50 bedspaces designed for disabled.	This requirement is met.

I note that the scheme includes 17 no. 2 bed apartments, of a type also not provided for the Dept. of Education guidance. While the relevant statutory development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022, the Board may wish to consider policy on student accommodation as provided in the current Dublin City Development Plan 2016-2022 for reference on this matter. Section 16.10.7 of same states:

*“Single / double occupancy studio units that provide en-suite bathroom facilities and kitchenettes / cooking facilities will also be considered, with a minimum gross floor area of 25 sq.m. and a maximum gross floor area of 35 sq.m.”*

The proposed 2 bed units have floor areas within these parameters. I consider them acceptable with regard to the above policy guidance and given that new student residences commonly feature smaller apartments to cater for the varied needs of a modern, diverse student population. In addition, I note that the 2 bed units are a minor element of the overall accommodation provision.

13.4.5. The Daylight and Sunlight Analysis considers light levels in the student bedrooms. It assesses the Average Daylight Factor (ADF) of selected habitable rooms on the ground, 1st and 2nd floors of the development. Rooms have been chosen to represent the areas where daylight is expected to be lowest as well as a spread of rooms that represent the standard ADF in this scheme. All except one of rooms analysed met the BS 8206-2 ‘Code of practice for Daylighting’ recommended ADF of 2% for kitchens, 1.5% for living rooms and 1 % for bedrooms. The relevant apartment, no. 01-046 is located facing the internal courtyard with a narrow window and has an ADF of 0.72. I note that this unit adjoins a store and a circulation area and therefore has a particularly low level of residential amenity. It should be redesigned, along the with adjoining unit no. 01-044, which has a floor area of 25 sq.m., to provide 2 no. single bed units that achieve a satisfactory standard of daylight and residential amenity. The corresponding unit at second floor level is not analysed, however it is assumed that the upper floors would achieve higher daylight levels.

13.4.6. The Dept. of Education provides the following guidance in relation to communal facilities and amenities:

*“Communal facilities to service the needs of student residents should be provided for. The definition of qualifying developments includes "house" units and ancillary spaces including:- caretaker/security office and apartment; centralised storage; laundry facilities; drying rooms and utility rooms; and a seminar room. The floor area of these facilities shall not exceed 12% of the total area of the development, and their cost shall not exceed 12% of the total qualifying expenditure.”*

I note the provision of a laundry facility, gym, café / lounge space, reception areas, management area and refuse storage areas. These are acceptable. The following communal amenity areas are also provided (based on submitted floor plans):

<b>Floor</b>	<b>No. of Apts</b>	<b>No. of Bedrooms</b>	<b>Communal Space Provision (sq.m.)</b>
Ground	6	28	18 sq.m. x 2 = 36 sq.m. Ground floor communal space 116 sq.m.
1	13	70	18 x 2 = 36 sq.m. Upper floor communal area 231 sq.m. Additional communal area 55 sq.m.
2	17	97	18 sq.m.x 2 = 36 sq.m.
3	17	97	18 sq.m.x 2 = 36 sq.m.
4	17	97	18 sq.m.x 2 = 36 sq.m.
5	17	97	18 sq.m.x 2 = 36 sq.m.
6	17	97	18 sq.m.x 2 = 36 sq.m.
7	16	74	18 sq.m.x 2 = 36 sq.m.
8	11	49	18 sq.m.
<b>Total</b>	<b>131</b>	<b>706</b>	<b>708 sq.m.</b>

Aside from the 2 storey communal area at the Blackthorn Road frontage, the provision of communal areas amounts to 2 no. 18 sq.m. areas in the northern and western blocks on each floor. Their provision at these locations is acceptable given that units in the eastern block have access to the large communal area at ground floor level. The Design Statement indicates that these are to be multifunctional spaces to provide areas for students to gather, e.g. study groups. On balance, it is considered that the proposed communal space provision is acceptable, subject to the submission of further details of their layout / purpose / management, which may be required by condition.

- 13.4.7. The overall footprint of the development is similar to the outline provided for the development site in SUFP Drawing 11 'Design Principles and Character Areas' and is similar to that previously permitted at the site under D16A/0158, i.e. perimeter blocks with the southern side of the central courtyard left open. The courtyard open space is raised over the undercroft parking and directly accessed from first floor level. It has hard and soft landscaping, seating areas, a climbing wall, half sized basketball court, boules area, table tennis and an outdoor chess board, also areas of passive amenity and seating areas. Landscaping details are provided and the courtyard has been designed to address wind effects as identified in the Wind Microclimate Study. The Daylight and Sunlight Analysis indicates that the courtyard meets the BRE guidance that at least half of a garden or amenity area should receive at least two hours of sunlight on March 21<sup>st</sup>. I am satisfied that the courtyard provides a good level of residential amenity for residents of the scheme. The proposed boundary treatments include a 'soft' screen to the north west boundary, this is addressed in the landscaping scheme. In terms of quantitative provision, the courtyard has a total area of 2,270 sq.m. The Guidelines on Residential Development for Third Level Students do not provide quantitative standards for communal open space provision for student accommodation.
- 13.4.8. To conclude, I consider that the design and layout of the development are generally satisfactory with regard to national and development plan guidance for student accommodation and that there is a reasonable standard of residential accommodation for future residents of the scheme.

### **13.5. Interaction with the Public Realm and Relationship with Adjoining Sites**

- 13.5.1. SUFP section 3.5.4 states that the building line along the southern side of Carmanhall Road shall be set back to provide a linear greenway, leading to a substantial Civic Park located at the junction of Corrig Road and the north west of Carmanhall Road. SLO 113 applies at the Blackthorn Road frontage, as discussed above. Blackthorn Drive is part of a Bus Priority Route. SUFP Drawing no. 6 indicates a walking and cycling route along Blackthorn Drive and an existing walking route along Carmanhall Road. SUFP Drawing no. 10 indicates a green route linking open spaces via pedestrian / cycle routes along Burton Hall road and connecting to Carmanhall Road along part of the site frontage



13.5.2. The topography of the site is such that there is a level change between the ground floor level and the road level at both frontages. There are existing herbaceous planting beds along both road frontages as planted by DLRCC. The layout for the road frontages proposes to address the difference in levels by providing ramps for the public footpath at road level, with new shrub planting and existing trees retained in the intervening sloped areas. There are steps at the Carmanhall Road / Blackthorn Drive junction, providing direct access to the main reception area of the scheme. Feature paving is provided at the ground floor level of the Blackthorn Road frontage, to provide a setting for the active ground floor uses at this location. The wind impact study identified potential wind impacts along the Blackthorn Road frontage and wind abatement planting is proposed to address this issue. A dedicated cycleway is provided at road level along the Blackthorn Drive frontage and a shared surface on Carmanhall Road. This involves the removal of the existing herbaceous planting at the Blackthorn Road frontage. The herbaceous planted margin is retained or transplanted at the Carmanhall Road frontage. The footpath is provided in generally the same place as the current location with existing trees retained and enhanced by native tree planting. A wall seating area is provided at footpath level adjacent to the main entrance steps at the Carmanhall Road junction. There are existing pedestrian crossings at both road frontages, the Carmanhall Road crossing is to be moved to facilitate the development. Bicycle parking is provided at both road frontages and adjacent to the main entrance. This overall layout incorporates lands that are currently in the ownership of DLRCC, written permission for same is provided.

13.5.3. The planning authority states concerns that the proposed level changes will adversely affect the appearance and functionality of the public realm at this location. I consider that the proposed design of the Blackthorn Road and Carmanhall Road frontages is a reasonable response to the topography of the site, the requirement to provide pedestrian and cycle facilities and the interaction with the ground floor uses. I accept that the 'own door' entrances and paved area at the Blackthorn Road frontage are set back from the footpath and street, however a good level of pedestrian connectivity is achieved via the ramps and the upper paved area provides a high level of amenity with an opportunity for outdoor seating for the café. Additional seating at the Blackthorn Road frontage and steps to the laundrette could be required by condition, as recommended by the planning authority. The native tree

planting at the Carmanhall Road frontage is in accordance with the SUIP objective to provide a linear greenway at this location and achieves a good context for the less active building frontage at this location. The provision of seating areas and bicycle parking is desirable and adds to the amenity of the scheme. While the loss of some of the existing herbaceous planting is regrettable, this is mitigated by the proposed additional landscaping and tree planting. The proposed design and layout of the street frontages are considered acceptable on this basis.

13.5.4. The report of Parks and Landscape Services of DLRCC requires a special development contribution of €10,000, stated to be necessary as compensation for the loss of existing mature street trees as a result of the development, necessitating additional tree planting. I note that the current Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2016-2020 includes contributions for community and parks facilities and amenities in the SUIP area. In addition, the proposed development includes landscape and tree planting in the public realm that would mitigate the loss of existing planting and / or street trees at the street frontage. Details of same may be agreed with the planning authority by condition. I note section 48(2)(c) of the Planning and Development Act 2000 (as amended), which provides that:

*“A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.”*

Having regard to the above, I do not consider that the proposed development will incur exceptional costs regarding street planting and therefore I do not consider that the recommended special development contribution is appropriate in this instance.

13.5.5. Potential impacts on adjoining sites primarily arise in relation to the adjoining site to the west, between the development site and Ravens Rock Road. The site to the south is occupied by an office block and most of the southern site frontage will remain undeveloped in any case. There are road frontages to the east and north. The site to the west is currently occupied by 1 to 2 storey commercial / light industrial buildings. It is zoned for residential development under the SUIP, to a density of 150

units / ha and a height of 8 storeys. The proposed vehicular access runs inside the western site boundary. Aside from a 12 m deep element over the vehicular access from Carmanhall Road, the western elevation of the development is splayed such that it is set back between 7 – 10m to the shared boundary. The existing boundary treatments are generally to be retained with some tree planting inside the boundary. There are windows to habitable rooms on all floors of the western elevation. I note that the perimeter block layout of the proposed development is generally in accordance with the indicative layout for the site provided in SUFP Drawing 1.1 and that the footprint is similar to the development previously permitted at this site under D16A/0158. I note the concerns of the planning authority in relation to potential impacts on any forthcoming residential development on the adjoining block to the west. While I accept that the subject application does not include any assessment of overshadowing, wind and microclimate on adjoining sites, I consider that, overall the proposed development will not result in any significant undue impacts on the site to the west such as would warrant a refusal of permission or necessitate major modifications to the proposed scheme. I also note the lack of third party submissions from adjoining landowners.

### **13.6. Visual Impacts**

- 13.6.1. The following assessment is based on the photomontages submitted, on the site inspection and on viewing the site from various locations in the wider area. The site has a prominent location at the busy road junction of Burton Hall Road and Blackthorn Road. The development is therefore likely to act as a 'landmark' and to make a significant contribution to the legibility of the area. The existing site context is mixed with lower 2-3 storey office / commercial buildings on the eastern side of Blackthorn Road, also the existing 6 storey Microsoft Building and the recent permission for a 4-6 storey office development across the road from the site. The area at the western end of Carmanhall Road is more intensively developed with the 8 storey 'The Chase' building and the recent permission for a 5 – 14 storey development at the former Aldi site, ref. ABP-301428-19.
- 13.6.2. The proposed 9 storey scheme extends for the full length of both road frontages. The 9 storey height is broken at intervals by breaks in the top 2 floors. There are solar panels at roof level, which will be visible from the public realm. The elevations are clad in stone with brick elements and incorporate a mix of coloured and clear

glazing. The street corner is marked by steps and a reception area at ground floor level with a brick feature element. The photomontages indicate that the development will be visible from the road network in the area, in the context of the surrounding existing and permitted developments. As discussed above, the design includes active frontages at ground level, as well as works to the public realm, which are generally considered to be satisfactory. I note the blank gable element on the western elevation, however this will be eventually screened if the adjoining zoned site to the west is redeveloped. The proposed development is considered acceptable overall in terms of visual impacts with regard to the mixed and evolving character of the surrounding area, to the photomontages submitted, to the site inspection and on viewing the site from various locations in the wider area.

### **13.7. Traffic and Transport**

- 13.7.1. The development site has a highly accessible location close to the Luas stop at Blackthorn Avenue, as well as several bus routes and an objective to provide a bus priority route on Blackthorn Road. The SUFP also includes objectives for pedestrian and cyclist facilities at Blackthorn Road and Carmanhall Road and the provision of same is included in the development. The proposed layout indicates a vehicular access to the car park from Carmanhall Road and a secondary service and emergency access from Blackthorn Drive at the south eastern corner of the site. The two accesses are connected by an internal route along the southern and western site boundaries, which also serves the undercroft car park. As discussed above, a cycle path is provided at the Blackthorn Road frontage and there is a shared surface at Carmanhall Road. There is a dedicated separate cycle access to the car park from Carmanhall Road. The existing pedestrian crossing on Carmanhall Road is to be relocated c. 15 m to the west, at the north western corner of the site. The application includes a Road Safety Audit and a DMURS audit. This layout is considered satisfactory and I note that the Transportation Planning Section of DLRCC states no objection subject to conditions in its report on file dated 5<sup>th</sup> March 2019.
- 13.7.2. Development plan car parking standards require the following standards for apartments, flats and sheltered housing (depending on design and location):

<b>Unit Size</b>	<b>Parking Standard</b>
1 bed	1 space
2 bed	1.5 spaces
3+ bed	2 spaces

In addition, it is an objective to Council to require developments to provide motorcycle parking spaces at a minimum of 4 or more spaces per 100 car parking spaces. National policy as per the Apartment Guidelines does not specify any minimum car parking provision. As per section 4.19 of the Apartment Guidelines, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in larger scale and higher density developments at central and / or accessible urban locations including within 10 minutes walking distance of Luas stops. This also applies to Shared Accommodation developments as per SPPR 9 (there are no specific provisions in relation to car parking for student accommodation). The proposed car park provides 57 no. car parking spaces, including 3 no. disabled car parking spaces and 3 no. car share scheme spaces. A total of 5 no. motorcycle parking spaces is also provided. This provision is considered acceptable with regard to the proximity of the site to a Luas stop, to the car parking policy of the Apartment Guidelines and to Objective TAM1 of the SUFP, which is to require all future development in the Sandyford Business District to achieve a peak hour transport mode split of 45% trips by car drivers (maximum) and 55% trips by walking, cycling and public transport and other sustainable modes (minimum targets). The motorcycle parking provision exceeds development plan requirements.

13.7.3. The development provides 560 no. bicycle parking spaces at basement level and 26 no. surface bicycle parking spaces. This complies with DLRCC Standards for Cycle Parking and Associated Cycling Facilities for New Developments (January 2018). The Apartment Guidelines require a general minimum standard of 1 cycle storage space per bedroom and a visitor cycle parking provision of 1 space per 2 residential units, i.e. 882.5 no. spaces for the proposed 131 apartments / 817 no. bedspaces, however this standard is considered to be more relevant to standard apartments rather than student accommodation. The proposed quantum of bicycle parking is considered acceptable. I note that DLRCC Transportation Planning is concerned that

the bicycle parking area indicated in the undercroft car park is substantially smaller than that which would be needed to accommodate the stated bicycle parking provision. This may be due to stacked parking provision with associated concerns about ease of accessibility. The detailed bicycle parking provision is to be agreed by condition.

13.7.4. A Traffic Impact Assessment is submitted, which assesses predicted traffic volumes for the AM and PM peaks for 2021, 2026 and 2036 with the proposed development fully operational. The development would generate up to 70% less traffic than that permitted at the site under D16A/0158. A Mobility Management Plan is submitted. I consider that the development will have a limited impact on established traffic conditions at this suburban location, given its proximity to public transport services and limited car parking provision. In addition, the development provides satisfactory cycle and pedestrian facilities and will improve pedestrian / cycle permeability in the area and thus encourage sustainable forms of transport.

13.7.5. A Framework Construction Traffic Management Plan is submitted, which includes control of on-site parking. A detailed construction traffic management plan may be required by condition.

13.7.6. Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts such as would warrant a refusal of permission and that any outstanding traffic and transport issues may be dealt with by condition.

### **13.8. Drainage, Flood Risk and Site Services**

13.8.1. There are existing public surface water sewers on Blackthorn Avenue and Carmanhall Road. Both these sewers are expected to discharge to Carysfort Maretimo stream. The site has an existing surface water outfall to Blackthorn Road, which will be decommissioned. The development will have an attenuated discharge to the surface water sewer on Carmanhall Road. Proposed SUDS measures include a green roof area and podium drainage. The drainage design includes an attenuation tank under the car park. Detailed drainage calculations are provided, there is a 10% climate change allowance.

13.8.2. OPW flood maps do not indicate any historic incidences of flooding at the site. The Site Specific Flood Risk Assessment (SSFRA) indicates that the site is located entirely in Flood Zone C but that Blackthorn Road is located in Flood Zone B, due to

its lower level. The development has been designed to set the level of the new buildings above pluvial flood levels. In addition, the ground floor of the frontage to Blackthorn Road is occupied by commercial uses only. The proposed 'highly vulnerable' residential use is appropriate within Flood Zone C. The development has been designed to discharge surface water at a restricted rate to the existing surface water sewer on Carmanhall Road, which ultimately discharges to the Carysfort Maretimo stream at an unrestricted rate. As the drainage for the existing site discharges at an unrestricted rate and ultimately leads to the same discharge point, the development will lead to an improvement in comparison to the existing system as peak runoff will be reduced by way of an attenuated outfall.

13.8.3. The development is to discharge to an existing foul sewer on Carmanhall Road. Details of foul water discharge volumes are provided.

13.8.4. The site is currently supplied by a watermain on Carmanhall Road. The SUIP states that the Sandyford High Level water supply scheme provides sufficient reservoir capacity to supply the future needs of Sandyford Business District. The Irish Water response to the pre-connection enquiry indicated that the development can be accommodated without any upgrade to existing infrastructure.

13.8.5. Both Irish Water and DLRCC Drainage Planning state no objection to the development. I am satisfied with the proposed foul and surface water drainage and water supply arrangements, subject to conditions.

### 13.9. **Part V**

13.9.1. The development does not include any Part V provision. Development plan section 2.1.3.12 provides that social / affordable housing will not be required for student housing developments on third level campuses but does not refer to student accommodation at other locations. I note that the Board did not apply Part V requirements to the recent permission for off campus student accommodation at the Blakes and Esmonde Motors Site, Lower Kilmacud Road, Stillorgan, ref. ABP-300520-18. The Inspector's Report in that instance referred to the absence of clear guidance at a local and national level in relation to student accommodation and Part V and to the technical difficulties that might arise in terms of ownership and the management of units within a student block (term time and non-term time use) and to the configuration of the student units, which would not comply with the floorspace

and amenity requirements for a conventional house/apartment. I am therefore satisfied that Part V requirements should not be applied to the proposed development.

### **13.10. Planning Assessment Conclusion**

13.10.1. Having regard to the above assessment, I conclude that permission should be granted for the proposed development subject to the conditions set out below.

## **14.0 Conclusion**

14.1. The development is acceptable in principle with regard to the zoning of the site under the Sandyford Urban Framework Plan 2016-2022. The overall density is acceptable with regard to the zoning objective and to the location of the site in an established area adjacent to the Stillorgan Luas stop and close to a wide range of services and facilities and accessible to several third level institutions. The design and layout of the proposed student accommodation are in accordance with relevant national and local policies on student accommodation and residential development and will provide a satisfactory standard of student accommodation, while achieving a residential density reflecting the strategic nature of the site and the importance of sustainable development of zoned and serviced lands. The provision of commercial units and community facilities at ground floor level on Blackthorn Road is acceptable subject to conditions and I consider that the development achieves a satisfactory interaction with the public realm at Blackthorn Road in accordance with SLO 113 and also at Carmanhall Road. I am satisfied that the development would not have any significant adverse impacts on visual amenities or on adjacent sites. It is considered that the development will enhance pedestrian and cycle connectivity in the area and would not result in undue adverse traffic impacts. I am also satisfied that the development does not result in a significant flood risk at the development site or upstream or downstream.

14.2. I therefore recommend that the Board grant permission



## 15.0 Recommendation

15.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

## 16.0 Reasons and Considerations

16.1. Having regard to the following:

- (a) the site's location in the established area of Sandyford and adjacent to the Stillorgan Luas stop;
- (b) the policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Sandyford Urban Framework Plan 2016-2022;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness;
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Planning and Local Government in March 2018;
- (f) the Design Manual for Urban Roads and Streets (DMURS);
- (g) the provisions of The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), issued by the Department of Environment, Heritage and Local Government;
- (h) the nature, scale and design of the proposed development
- (i) the availability in the area of a wide range of social and transport infrastructure;
- (j) the pattern of existing and permitted development in the area;
- (k) the planning history within the area and
- (l) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would be acceptable in terms of pedestrian and traffic safety and convenience and would not give rise to flooding in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 17.0 Conditions

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

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

**Reason:** In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

3.
  - (a) The proposed student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application.
  - (b) Access to green roofs shall be for maintenance purposes only.
  - (c) Student house units shall not be amalgamated or combined.

**Reason:** In the interests of the amenities of occupiers of the units and surrounding properties.

4. The proposed development shall be amended as follows:
  - (a) Apartment, no. 01-046 shall be redesigned, along the with adjoining unit no. 01-044, to provide 2 no. single bed units that achieve a satisfactory standard of daylight and residential amenity.
  - (b) The proposed elevation to Blackthorn Road shall be revised such that there is an external doorway to the library / study space that opens onto Blackthorn Road.

- (c) Steps shall be provided between the public footpath at Blackthorn Road and the ground floor entrance to the laundrette. Additional public seating shall also be provided at this location.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of residential amenities and to provide for an active street frontage to Blackthorn Road in accordance with Specific Local Objective 113 of the Sandyford Urban Framework Plan 2016-2022.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
  - (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
  - (b) proposed locations of street trees and additional street trees at appropriate intervals, other trees and other landscape planting in the development, including details of proposed species and settings;
  - (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
  - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, and
  - (e) the basketball court and climbing wall shall be in accordance with requirements of planning authority.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

6. Prior to the commencement of development, the applicant shall submit to the Planning Authority for agreement full details of all works to be carried out at the applicant's expense along the development frontage at Blackthorn Drive and Carmanhall Road for the public realm within and outside the site boundary, to include detailed layouts and cross sections. Details shall include tree planting and landscaping and any conflicts between provision of services and or transport infrastructure and provision of tree planting / landscaping will be identified and agreed. The works shall include:

- (a) the provision of an accessible continuous legible unobstructed minimum pedestrian footway along each development frontage and an unobstructed cycle track along Blackthorn Drive;
- (b) the retention and enhancement of a wide, usable, soft-landscaped public amenity space along Blackthorn Road in accordance with Objective PR1 of the Sandyford Urban Framework Plan 2016-2022;
- (c) The maximum retention practicable of perennial herbaceous planting along Blackthorn and Carmanhall Roads in accordance with Objective PR 6 of the Sandyford Urban Framework Plan 2016-2022;
- (d) The selection of suitable trees for street planting in accordance with the detailed requirements of the Planning Authority.

**Reason:** In the interests of visual amenities, permeability, connectivity and good urban design.

7. In accordance with the submitted details, the proposed laundrette and the proposed café / lounge located to the ground floor of the development along Blackthorn Road shall be open to residents and employees of the wider Sandyford Business District, as well as residents of the development hereby permitted. In addition, membership of the proposed gym located to the ground floor of the development along Blackthorn Road shall be open to residents and employees of the wider Sandyford Business District, as well as residents of the development hereby permitted.

**Reason:** To ensure the appropriate provision of social and community infrastructure to serve the needs of the resident and employee population of the Sandyford Business District in accordance with Specific Local Objective 113 of the Sandyford Urban Framework Plan 2016-2022.

8. Prior to the occupation of the development hereby permitted, the applicant shall prepare a Community Facility Strategy for the written agreement of the Planning Authority. The Strategy shall set out how the development will be managed to offer the café / lounge space for exclusive use by local voluntary community groups or clubs on a sessional basis for a minimum of 6 hours per week, with one session scheduled for the evening time. Thereafter the café / lounge shall be offered as a community facility on a sessional basis in accordance with the agreed Community Facility Strategy. The applicant shall liaise with the community section of Dun Laoghaire Rathdown County Council prior to the preparation of the Community Facility Strategy.

**Reason:** To ensure the appropriate provision of social and community infrastructure to serve the needs of the resident and employee population of the Sandyford Business District in accordance with Specific Local Objective 113 of the Sandyford Urban Framework Plan 2016-2022.

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

**Reason:** In the interest of the visual amenities of the area.

10.

- (a) All bicycle parking, motorcycle parking, electric vehicle charging points and car parking shall be in accordance with the detailed requirements of the planning authority for such works.
- (b) Prior to the commencement of construction on site, the developer shall submit to the planning authority for its written agreement details of a revised design and layout for the basement bicycle parking area.
- (c) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and the underground car parks shall be in accordance with the detailed standards of the planning authority for such works.
- (d) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.
- (e) The detailed design of and the materials used in any roads / footpath areas along Blackthorn Road and Carmanhall Road shall be provided by the developer and shall comply with the detailed standards of the planning authority for such road works.
- (f) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

**Reason:** In the interests of traffic, cyclist and pedestrian safety.



11. The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit it to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.

**Reason:** In the interests of traffic, cyclist and pedestrian safety.

12. A Mobility Management Plan for the proposed development, to include parking management, shall be prepared and submitted to the planning authority for approval prior to the commencement of development.

**Reason:** In the interests of traffic, cyclist and pedestrian safety.

13.

- (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) Prior to the commencement of construction on site, the developer shall submit to the planning authority for its written agreement full technical details of all surface water sewer infrastructure including green roofs and podium drainage. All completed sewer infrastructure shall be to the full technical requirements of the planning authority.

**Reason:** In the interest of public health and to ensure a proper standard of development.

14. Public lighting shall be provided in accordance with a scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

**Reason:** In the interests of amenity and public safety.

15. Proposals for a building name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all building and street signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

16. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity, and to permit the planning authority to assess all signage on this site through the statutory planning process.

17. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

18. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

19. Site development and building works shall be carried out only between 0800 to 1800 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** To safeguard the amenities of property in the vicinity.

20. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July 2006. This shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

**Reason:** In the interest of orderly development and sustainable waste management.

21. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities.

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

22. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

23. A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery, and the location for storage of deliveries to the site.

**Reason:** In the interests of public safety and residential amenity.

24. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of traffic safety and the proper planning and sustainable development of the area.

25. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme, made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

26. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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Sarah Moran  
Senior Planning Inspector  
18<sup>th</sup> April 2018

