



An
Bord
Pleanála

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

Inspector's Report ABP-304405-19

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| Strategic Housing Development | 428 no. apartments, creche, 4 no. local/neighbourhood retail units and associated site works. |
| Location | Rockbrook, Carmanhall Road, Sandyford Business District, Sandyford, Dublin 18. |
| Planning Authority | Dun Laoghaire Rathdown County Council |
| Applicant | IRES Residential Properties Limited. |
| Prescribed Bodies | Health Service Executive, National Transport Authority Irish Water Transport Infrastructure Ireland Irish Aviation Authority |
| Observer(s) | Sean Dineen. |
| Date of Site Inspection | 17 th July 2019. |
| Inspector | Karen Kenny |

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site, with a stated area of 2.02 hectares, is located at the northern end of the Sandyford Business Estate. It is on the northern side of Carmanhall Road and south of Blackthorn Drive (North) and the Stillorgan Luas stop and park and ride facility.
- 2.2. The site is part of the larger “Rockbrook” site (c. 3 ha). Permission was granted on this site in 2005 for a mixed-use development comprising retail, commercial and residential uses in 6 no. 5-14 storey blocks (see Planning History in Section 4.0). Two blocks (Blocks A and D) in the northern section of the site have been completed to date. These blocks front onto Blackthorn Drive (North and West) and comprise retail, commercial and residential uses and a pedestrian connection between Blackthorn Drive (North) and Carmanhall Road. Block C known as the ‘Sentinel’ building is a 6-14 storey office tower in the south west corner of the site. This building is completed to floor plate stage and has frontage onto Blackthorn Drive to the west. Permission was granted to complete the building in 2017 under PA Ref. D16A/0991. Permission is sought under the subject application for 2 no. mixed use blocks in the southern section of the site with frontage onto Carmanhall Road.
- 2.3. There is an undeveloped site to the immediate east of the application site (former Aldi site). The Board granted permission for a mixed-use development on this site in 2018 (ABP-301428-18), comprising 460 no. apartments and ancillary facilities in 5 to 14 storey blocks. Further east, there are offices and other commercial developments with frontage onto the Ballymoss Road to the east. The ‘Beacon South Quarter’, a mixed development of residential, commercial and retail land uses is located to the south of the site on the opposite (southern) side of Carmanhall Road. On the western side of Blackthorn Drive the character is more industrial with a number of car showrooms fronting the west edge of the roadway.

3.0 Proposed Strategic Housing Development

3.1. The proposed development consists of 2 no. blocks of 5-14 storeys over basement levels. The development comprises 428 no. apartments, a creche, 4 no. ground floor retail units and communal facilities for residents. It is proposed to complete the basement car park and to construct a new vehicular access to the basement from Carmanhall Road. Other associated and ancillary infrastructural and landscaping works are also proposed.

3.2. Key Details

| Detail | Proposal |
|----------------------|--|
| No. of Units | 428 apartments |
| Site Area | 2.02 ha gross / 1.68 ha net |
| Density | 255 units per ha (net) |
| Plot Ratio | 1:2 (overall 'Rockbrook' site 1:3.13) |
| Building Height | 5-14 storeys |
| Public Open Space | Total 5,644 sq.m. |
| Car Parking | 508 spaces - 428 resident, 46 visitor, 15 creche, 17 retail, 2 carshare. |
| Cycle Parking | 593 spaces |
| Dual Aspect | 64.7 % |
| Crèche | 486 sq.m |
| Retail | 862 sq.m. in 4 no. units. |
| Residents Facilities | 934 sq.m. |
| Part V | 43 units |

3.3. The breakdown of unit types is as follows:

| Unit Type | No. | % |
|------------------|------------|------------|
| Studio | 32 | 7 |
| 1-Bed | 122 | 29 |
| Two-Bed | 251 | 59 |
| Three-Bed | 23 | 5 |
| Total | 428 | 100 |

3.4. **Documentation Submitted**

In addition to the drawings, the application form and notices the application was accompanied by the following reports:

- Response to ABP Opinion
- Planning Report
- Statement of Consistency
- Environmental Impact Assessment Report (V1, V2 and Non-Tech Summary)
- DMURS Compliance Statement
- Schools Demand Analysis
- Retail Impact Assessment
- Appropriate Assessment Screening Report
- Design Statement and CGI's

- Part V Schedule
- Housing Quality Assessment
- Apartment and Parking Schedule; Area Schedule
- Sunlight and Daylight Assessment
- Arboricultural Assessment
- Outline Landscape Works Specification Incorporating Landscape Maintenance Plan
- Landscape Design Report
- Irish Water Approvals
- Site Specific Flood Risk Assessment
- Outline Construction Management Plan
- Outline Construction & Demolition Waste Management Plan
- Engineering Planning Report
- Life Cycle Report
- Energy and Sustainability Statement

4.0 Planning History

4.1. The following planning history pertains to the Rockbrook site:

D05A/1159: Parent permission relating to the overall Rockbrook Development site that is bound by Blackthorn Drive to the north and west and by Carmanhall Road to the south (3.117 ha). Permission granted for a mixed use development comprising 847 apartments; neighbourhood retail shops and services and café restaurants with a GFA of 11,794 sq.m. (including a convenience store with a GFA of 1,768 sq.m. and a retail showroom / warehouse with a GFA of 2,039 sq.m.); offices with a GFA of 10,761 sq. m.; a crèche with a GFA of 374 sq. m.; community building with a GFA of 185 sq.m. and 39 no. live work units; 1,716 car parking spaces and 1,140 cycle spaces at basement and lower ground floor level. The development comprised 6 no. blocks A, B, C, D, E and F ranging in height from 6 to 14 stories. Vehicular access

from Blackthorn Drive and from Carmanhall Road. A third-party appeal against the PA's decision was withdrawn (PL06D.215205).

D06A/1704: Permission granted for modifications to permitted Block A at the corner of Blackthorn Drive. The modifications included elimination of the 10th and 11th floors and of parts of the 5th to 9th floors (total reduction of GFA of c. 971 sq.m.); reduction in the overall floor to ceiling heights resulting in a total reduction in height of c. 6.08m; various internal modifications; reduction in the total no. of residential units from 208 to 195 no. units; reduction in the total area of retail floor space from c. 2,687 sq.m to c. 2,654 sq.m; total GFA of Block A (excluding basement) to increase marginally from c. 21,111 sq.m to c. 21,196 sq.m. A third-party appeal against the PA's decision was withdrawn (PL06D.222779).

D07A/0069: Permission granted for modifications to Block D fronting onto Blackthorn Drive. The modifications included a reduction in the overall floor to ceiling heights resulting in a total reduction in height of c. 1.5m; slight modifications to the footprint of Block D; internal modifications to all permitted residential and live work units; total no. of residential units to increase from 211 to 224 no. units; change of the permitted use of commercial unit 6 from retail use to crèche; other internal modifications; total area of residential floor space (excluding circulation areas) to increase from c. 15,586 sq.m. (permitted) to c. 16,544 sq.m.; total increase in commercial floor space from 3,316 sq.m (permitted) to 3,412 sq.m.; total GFA of Block D to increase from c. 22,242 sq.m. (as permitted) to c. 24,688 sq.m. A third-party appeal against the PA's decision was withdrawn (PL06D.223245).

D07A/0975: Permission granted for modifications to basement level and Block A and D retail units. The modifications included the provision of a new 3rd basement level; modifications to the permitted basement levels and access arrangements from Carmanhall Road and Blackthorn Drive (North); modification to permitted retail floorspace comprising Retail Warehousing Unit A1, Convenience Store Unit D1 and Neighbourhood Retail / Retail Services Units A2, A3, D2, D3, D4 to now comprise of Retail Warehousing Unit A1, Convenience Store Unit D1 and Neighbourhood Retail/Retail Service Units A2, A3, D2, D3, D4, D4A. Total GFA of Retail Floorspace to increase from 5,051 sq.m. (permitted) to 5,891 sq.m. Total no. of car parking spaces to increase from 1,716 (permitted) to 1,791.

D08A/0256: Permission granted for modifications to the retail units at the lower ground floor level of Blocks A and D.

D09A/0117: Permission granted for retention and completion of modifications to the permitted Block C (Sentinel Building) at the junction of Blackthorn Drive and Carmanhall Road including modifications to the layout and position of the permitted core; the provision of a new 13 storey high glazed corner atrium to accommodate a new entrance reception at upper ground floor level and retention and modifications to increase floor to ceiling heights, to result in a total increase of Block C height by 1.2m; total GFA of Block C to increase from 12,965 sq.m. to 13,213 sq.m.

D09A/0130 and D10A/0469 Permission granted under D09A/0130 for modifications to the lower ground floor level of Block D to consist of the amalgamation of 4 no. permitted and constructed 'Neighbourhood Retail/Retail Service' units D1, D2, D3 and D4 to 2 no. retail units. Unit D1 to accommodate a discount foodstore (net retail floor area 1, 279sq.m) and Unit D2 to accommodate Neighbourhood Retail / Retail services. Total area of retail floorspace within Block D to increase by 85 sq.m. Permission granted under D10A/0469 for retention and completion of modifications to the lower ground floor of Block D including change of use of unit D1 from 'Discount Foodstore' to 'Discount Foodstore to include off-licence' to allow for the sale of intoxicating liquor for consumption off the premises; total area of retail floorspace to reduce from 2,454 sq.m (permitted) to 2,287 sq.m.

D11A/0031 PL06D.238756: Permission granted for retention and completion of the development originally permitted under D05A/1704 (Blocks A and D) including modifications to Block A Neighbourhood Retail / Retail Services Units A1 and A2, now forming 3 No. units A1a, A1b and A2 and change of use of Unit A1a from Neighbourhood Retail / Retail Services use to Marketing Suite use; modifications to Block D Restaurant Unit D5 including its sub-division to form 2 no. units Unit D5a - Community Facility and D5b - Shop Neighbourhood use; modifications to the permitted vehicular access off Blackthorn Drive (North); modifications to existing and permitted landscaping treatments including the provision of an area of active open space, revised material / surface treatments and 6 No. surface level bicycle parking racks.

D13A/0457: Permission granted for modifications to the Sentinel building including revised internal configuration of permitted office floorspace to comprise 294 no. office suites and 28 no. meeting rooms; 2 additional floors (1,490sqm) to the existing 6 storey part of the building adjoining Block A; ground floor café/restaurant use (198 sqm); new entrance to Blackthorn Drive; elevational amendments; ancillary areas and all site development works.

D16A/0697 PL06D.248397: Permission sought for completion of the development permitted under D05A/1159 (Phase 2) including 3 no. 14 storey residential blocks with 492 no. apartments, 1 no. retail unit, café and crèche with outdoor play area at Block 1. Modifications to and completion of basement now providing a total of 1,551 car spaces, 849 no. bicycle spaces, apartment storage, bin storage and plant / service areas. New basement ramp access from Carmanhall Road and modifications to existing access from Blackthorn Drive. Landscape works including completion of boulevard / civic space and provision of 3 no. communal courtyards, 108 short term bicycle parking spaces at ground level. Total GFA c.57,256 sqm.

Permission was refused by the Planning Authority. The decision to refuse permission was upheld by the Board on appeal. The Board refused permission for the following reasons:

1. Having regard to the existing pattern of development on the site, including Blocks A, C, and D and their accompanying pedestrian boulevards, and by reason of the location in particular of Block 1, which would encroach upon both the existing north/south boulevard and the site of a proposed urban plaza identified in Drawing No. 10 of Appendix 15 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, it is considered that the proposed development would compromise the legibility and associated permeability of this boulevard and negate the opportunity to have a centrally placed urban plaza as a focal point to the overall development, as envisaged in the Sandyford Urban Framework Plan. The proposed development would, therefore, be contrary to the provisions of the statutory Development Plan for the area and would be contrary to the proper planning and sustainable development of the area.
2. By reason of the monolithic nature of the design of the proposed apartment blocks, and their massing, scale and bulk, and by reason of the lack of an

appropriate level of supporting community facilities and the limited range of apartment sizes and types to be provided, it is considered that the proposed development would fail to comply with the principles and requirements set out in the “Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities”, issued by the Department of the Environment, Heritage and Local Government in May 2009, and the accompanying Best Practice Design Manual, and would fail to provide a high quality living environment for future residents of the scheme. The proposed development would, therefore, be contrary to these Ministerial Guidelines and be contrary to the proper planning and sustainable development of the area.

3. It is considered, by reason of their design, siting, location and layout, that the proposed apartment blocks would result in an undue diminution in the availability of light to the existing apartments to the north, Blocks A and D, as compared to the previously approved development on this site, and would, therefore, seriously injure the residential amenities of neighbouring property and be contrary to the proper planning and sustainable development of the area.

D16A/0991 Sentinel Building: Permission granted to complete the partially constructed 14-storey ‘Sentinel Building’ including 294 office suites and 28 meeting rooms; 2 additional floors (1,490 sq.m.) to the existing 6 storey part of the building adjoining Block A; ground floor café / restaurant use; and new entrance to Blackthorn Drive.

- 4.2. The following planning history pertains to the ‘Tivway’ site to the immediate east of the subject site:

ABP-301428/18: Strategic Housing Development Application made to ABP for demolition of existing buildings and construction of a residential development of 460 no. apartments in 12 storey blocks and provision of ancillary on-site facilities. Permission Granted.

5.0 Section 5 Pre-Application Consultation

- 5.1. A Section 5 pre-application consultation took place at the office of An Bord Pleanála on 15th February 2019. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

- Development strategy for the site including site history, proposed uses, Part V, community space.
- Residential Amenity and open space provision/public realm; microclimate.
- Parking and mobility management.
- Drainage matters.
- Any other matters.

A copy of the Inspector's report and Opinion is on the file for reference by the Board.

A copy of the record of the meeting is also available on the file.

5.2. Notification of Opinion

The An Bord Pleanála opinion stated that it is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development. The Opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application as follows:

1. A report on materials and finishes – visibility of the site and long-term management and maintenance.
2. A life cycle report in accordance with Section 6.3 of the Sustainable urban housing: Design Standards for New Apartments (2018).
3. Additional drainage details having regard to the report of the Drainage Division of the planning authority.
4. Additional documentation in relation to flood risk assessment. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including associated 'Technical Appendices').
5. A report that addresses issues of residential amenity, specifically overlooking, overshadowing, overbearing and noise impacts. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development. Landscape and architectural drawings to detail the relationship between wind impact mitigation measures and design.
6. Daylight and Sunlight Analysis.
7. Retail Impact Assessment.
8. Waste Management Plan.

9. Schedule of accommodation.
10. A Landscaping Plan with proposals for hard and soft landscaping.
11. A taking in charge layout.

5.3. Applicant's Response to Pre-Application Opinion

5.3.1. 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:

- **Materials and Finishes:** Information on materials and finishes is provided in the Design Statement (S3.8, S3.10.2, S3.14 and S3.15). Contrasting facade treatments to 'internal' courtyards and 'external' streets. External facades are predominantly brick animated by large format glazed windows, balconies and / or winder gardens. Internally the main field is predominantly off-white coloured materials interspersed with select use of colour, with fully expressed private balconies and external access walkways (of glazed balustrading and white pressed metal panels).
- A Life Cycle Report prepared by McElroy Associates is enclosed with the application.
- PUNCH Consulting Engineers has engaged with the DLRCC drainage division to close out all drainage related queries raised at pre-application stage and in the CEO's Report. The Site Specific Flood Risk Assessment (SFRA) and engineering drawings are updated.
- **Residential Amenity:** The design statement, sections, landscape details, daylight/sunlight and wind assessments refer). A minimum separation of 22 metres is provided between existing and or proposed buildings with increased separations within residential courtyards. Potential overbearing impacts addressed in the built form and positioning of height around the site. The east/west boulevard is widened from the original scheme, by introducing a 'kink' on the plan that allows for greater separation distance and the creation of more public open space at street level. The predominant height along this route is 9 storeys, rising locally to 10 and 12 storeys, whereby the original scheme was predominantly 10 storeys, rising locally to 11 and 14 storeys.

The perception of overbearing at street level is lessened by the introduction of several oversized entrances through the perimeter of the development, the introduction of active frontage and transparent facade elements.

Development tested against relevant daylight/sunlight and wind assessment standards. Recommended wind mitigation measures are incorporated into the building and landscape design. On roof terraces, this includes multi stemmed trees, carefully placed decorative porous wind screens and a solid glass balustrade surrounding the terraces. On the ground floor, raised planters, trees and vegetation have been located to mitigate the effects of the prevailing wind. Decorative porous metal screens are also used in various spaces for added pedestrian comfort.

- Daylight and Sunlight Analysis Report enclosed.
- Retail Impact Assessment enclosed.
- A Waste Management Plan enclosed.
- Schedule of Accommodation enclosed.
- Landscaping Plan enclosed.
- No areas to be taken in charge.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 - National Planning Framework

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

6.2. Section 28 Ministerial Guidelines

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

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’).
- ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ as updated March 2018.
- ‘Design Manual for Urban Roads and Streets’ (DMURS).
- ‘The Planning System and Flood Risk Management’ including the associated ‘Technical Appendices’.
- ‘Childcare Facilities – Guidelines for Planning Authorities’.
- ‘Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment’, August 2018.
- Urban Development and Building Height, Guidelines for Planning Authorities, 2018.

6.3. County Planning Policy

6.3.1. The Dún Laoghaire-Rathdown Development Plan 2016-2022 is the relevant statutory plan for the area. The following provisions of the Development Plan are considered relevant:

- Sandyford is identified as a ‘Secondary Centre’ in the Development Plan Core Strategy and sits at the second tier of the settlement hierarchy below the ‘Major Centre’ settlements of Dun Laoghaire and Dundrum. 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 site is zoned MIC with an objective “to consolidate and complete the development of the mixed-use inner core to enhance and reinforce sustainable development”. Residential, childcare and convenience (inc. supermarket) and comparison shops are ‘permitted’ uses, subject to

residential and retail development according with the relevant policies of the Sandyford Urban Framework Plan for the MIC area (Table 8.3.16 refers).

- Chapter 2 Sustainable Communities Strategy, includes policies which seek to increase housing supply, ensure an appropriate mix, type and range of housing and promoting the development of balanced sustainable communities. Relevant policies include RES3 promoting higher residential densities in line with national policy whilst ensuring a balance between density and the reasonable protection of residential amenities and established character. Section 2.1.3.3 states that densities of greater than 50 units per hectare will be encouraged within c. 1 km of public transport nodes. RES7 encourages the provision of a wide variety of housing and apartment types and RES8 seeks to provision of social housing. RES14 seeks to ensure that community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential development. RES15 promotes an 'urban village' design approach in new development growth nodes. Section 2.2 sets out policies in relation to sustainable land use and travel. ST2 and ST11 relate to the integration of land use and transportation, ST19/20 relate to travel demand management and travel plans and ST27 relates to traffic and transport assessment and road safety audits.
- Chapter 4 'Green Infrastructure' sets out policy in relation to open space and recreation including OSR5 in relation to public open space provision and OSR14 in relation to play facilities.
- Chapter 5 'Physical Infrastructure Strategy' sets out policy in relation to (inter alia) water supply and wastewater, waste management, pollution, climate change, energy efficiency, renewable energy and flood risk.
- Chapter 7 'Community Strategy' sets out policy for the delivery of community facilities in Section 7.1.3, including Policy SIC7: New Development Areas; and Policy SIC11: Childcare Facilities.
- Chapter 8 'Principles of Development' contains the urban design policies and principles for development including public realm design, building heights strategy, car parking. Section 8.2 sets out Development Management Standards for (inter alia) Residential Development (8.2.3), Sustainable Travel

and Transport (Section 8.2.4); Open Space and Recreation (Section 8.2.8), Environmental Management (8.2.9), Climate Change Adaptation and Energy (8.2.10) and Community Support Facilities (Section 8.2.12).

6.3.2. There are no Specific Local Objectives (SLO's) applying to the development site (Development Plan Map 6). The following SLOs apply to lands in the vicinity:

- SLO 109 on lands to the east of the development site 'To seek the provision of a use that animates the street corners e.g. Hotel / Apart Hotel at north western end of Ballymoss Road at the junction with Blackthorn Drive'.
- SLO 114 on lands to the east of the development site 'To provide a Public Transport Interchange adjacent to the Stillorgan Luas Stop'.
- SLO 119 on lands to the south at Carmanhall Road 'To develop a Sandyford Business District Civic Park at the corner of Corrig Road / Carmanhall Road'.
- SLO 121 on lands to the east of the site at Ballymoss Road and south east at the corner of Corrig Road / Carmanhall 'To ensure the provision of pocket parks and civic spaces in accordance with locations specified on Map I and Drawing no. 10 of the Sandyford Urban Framework Plan'.

6.3.3. Appendix 2: Interim Housing Strategy provides analysis of housing demand and supply including social housing. Section 7 of same deals with housing mix and housing type.

6.3.4. Appendix 9: Building Height Strategy

Development Plan Policy UD6 in Chapter 8 states that: *"It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the county."*

Building Height Strategy Section 3.1 Sandyford Business District, building height limits are set by the SUFF:

"The stated building height limits in the SUFF 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.”

6.4. **Sandyford Urban Framework Plan 2016-2022**

- 6.4.1. The Sandyford Urban Framework Plan (hereafter referred to as 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 permitted development up to 14 storeys.

- 6.4.2. The application site, the with Tivway site to the immediate east and the Beacon South quarter to the south, is identified as ‘Zone 1: Mixed Core Area Inner Core’, with the following stated objective: *“It is an objective of the Council to consolidate and complete the development of the Mixed Use Inner Core to enhance and reinforce its sustainable development. (Map 1)”*

Residential use is permitted in principle under this zoning objective, subject to SUFP policy on residential development in core areas. SUFP maps identify the following specific standards / requirements for the development site:

- Map 2 Plot Ratios / Residential Densities. Plot ratio 1:4
- Map 3 Building Height. Permitted / developed height of 5-14 storeys.

- Drawing No. 6 Walking & Cycling. Walking route between Carmanhall Road and Blackthorn Drive.
- Drawing No. 10 Sandyford Urban Framework Plan. Civic Space and Green Routes Network.

6.4.3. The site is identified as a suitable location for retail development close to the Luas stop and the existing Beacon Shopping Centre. Section 2.3.2.1 states: *“Retail and retail services should be used to enliven street frontages, particularly on main pedestrian corridors leading to Luas stops, and in particular along Ballymoss Road.”*

6.4.4. Section 2.3.2.2 states in relation to residential development in the Mixed Use Core Areas: *“It is considered that the number of apartments permitted to date in the Mixed Use Core Areas is sufficient to provide vitality to these areas. Future residential development should primarily be focused within the residential zoned land (Map 1, Zone 5). This will enable the creation of sustainable residential neighbourhoods with environments more conducive to protecting residential amenity and able to provide a mix of home types.”*

Objective MC4: *“It is an objective of the Council to limit the number of additional residential units within Zone 1 (MIC) and Zone 2 (MOC) to circa 1,300 residential units. Of these 1,300 residential units, 835 have planning permission as of October 2014. This scale of residential development accords with the SUFP 2011.”*

Objective MC5: *“It is an objective of the Council to require all residential development within the Plan boundary to benefit from the public open space requirements set down in the Dún Laoghaire-Rathdown County Development Plan. The applicant shall set out clearly in any proposed development, how this requirement is being addressed. Where the Planning Authority agrees it is not possible to provide meaningful and useable public open space or where a specific local objective requires, the applicant shall provide indoor community facilities (e.g. community rooms, indoor active recreational uses for residents) or a financial contribution in lieu of open space, the nature of which should be agreed with the Planning Authority at pre planning stage.”*

Objective MC6: *“It is an objective of the Council to require all residential developments to provide private open space in accordance with the requirements set down in the Dún Laoghaire-Rathdown County Development Plan.”*

Objective MC9: *“It is an objective of the Council to locate uses that enliven, and attract customers fronting the routes leading to the Luas, particularly along Ballymoss Road.”*

6.4.5. The density and scale objective DS3 applies to the development site:

“It is an objective of the Council to ensure where the plot ratio proposed is greater than 1:2, the layout should take the form of streets in order to contribute to the vibrancy of these core areas.”

Objective BH2 requires applicants to submit an analysis of the impact of height and positioning of buildings on the surrounding environment, adjoining structures, open spaces, the public realm, views and vistas and micro climates.

6.4.6. 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’.

6.4.7. SUFP objective TAM2 provides for the creation of a new Luas / Bus interchange at the Stillorgan Luas stop, located across from the junction of Blackthorn Drive and Ballymoss Road, nearby to the east of the development site. Objective TAM3 is to implement complementary Bus Priority Schemes including a QBC along Blackthorn Drive at the northern end of the development site. SUFP objective PR8 is to provide an urban plaza at the Ballymoss Road / Blackthorn Drive junction in front of the public transport interchange and objective PR7 is to create a pedestrian / cycle Green Route from the interchange, along Ballymoss Road, towards the centre of Sandyford Business Estate. There is also a Green Route along Carmanhall Road at the site’s southern road frontage, towards the pedestrian access to the Beacon shopping centre. SUFP objective PR6 is to implement a programme for enhanced planting along Green Routes. In addition, Map no. 3 Building Height identifies the site to the immediate east at the northern end of Ballymoss Road to be developed as a ‘Building of Notable Design’, to serve as a visual reference marker, part of the overall aim to develop this location as a gateway to the Sandyford estate.

6.4.8. SUFP Section 3.5 Design Principles and Character Areas states in relation to Zones 1 and 2:

“Zone 1 & 2, the L-shaped area between Blackthorn Drive and Blackthorn Avenue, contains developments including Beacon South Quarter and Rockbrook. These developments which provide high density and high quality architectural finishes, sit uncomfortably against neighbouring underdeveloped and underutilised sites which reinforces the transitional nature of the area. It is the intention of the Plan to promote development of these sites, to consolidate the area by repairing edges and promoting a coherent street pattern and skyline.”

6.4.9. The following objectives relating to community facilities are noted:

- Drawing no. 10 Amenity Open Space and SLO 119. Civic park at the corner of Corrig Road and Carmanhall Road to the immediate south of the development site.
- SLO113 on lands to the east of the site is to facilitate the provision of community infrastructure at ground floor level 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.
- Objective E1 regarding the provision of childcare facilities. Objective E2 to retain 2 no. core sites for the provision of 2 no. primary schools and 1 no. post primary school on lands at Stillorgan Industrial Estate to the west of the proposed development, ref. SLO 112.

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 regional and national planning policies. The following points are noted:

- Development complies with overarching themes of the NPF. It represents compact development on urban lands that are zoned and are proximate to high quality public transport services and established social infrastructure.
- Regional Spatial & Economic Strategy: The site is located in the 'Dublin City & Suburbs' area of the Dublin Metropolitan Area and the development is compliant with objectives relating to compact and sustainable growth and public transport.
- The proposed density of 255 dwellings per hectare adjacent to a Luas Stop and Dublin Bus services is consistent with the vision and objectives of the GDA Transport Strategy 2016-2017.
- Density is appropriate in the context of Section 5.8 of the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and given the sites proximity to high-quality public transport.
- The development has been designed with regard to the design principles provided in the Urban Design Manual. The scheme responds to its context and the wider area. The layout seeks to maximise amenity for future residents and protect existing amenity. A mix of house types and sizes are proposed to ensure inclusivity and variety. The development makes efficient use of zoned land, existing services and infrastructure. The layout and public realm include connections, views and open spaces. Adequate private open space is provided for all units and the units are not unduly overlooked or overshadowed. Relevant schedules are provided to demonstrate compliance with relevant residential standards.
- In terms of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' (March 2018) the site is in a major employment node and is within walking distance of high frequency public transport, meeting locational requirements. The development complies with the qualitative the standards. No significant adverse planning impacts arise (Daylight and Sunlight, Wind, and Visual Impact Assessments enclosed).
- The proposed building heights of 5-14 storeys are considered appropriate in the context of the 'Urban Development and Building Heights Guidelines for Planning

Authorities' (2018) given surrounding building heights and the site's planning history and is in compliance with the SUFP. The NPF and Apartment Guidelines promote flexibility in building height.

- Creche provision in accordance with the Childcare Guidelines.
- Consistent with approach recommended in DMURS.
- Site-Specific Flood Risk Assessment prepared in accordance with the Planning System and Flood Risk Management Guidelines (2009).
- Appropriate Assessment Screening Report concludes that a Stage 2 assessment is not required.
- The proposed development is consistent with the Core Strategy and zoning provisions of the DLR Development Plan and the Sandyford Urban Framework Plan.
- The proposal accords with the housing and urban design policy set out in the Development Plan and the development management standards set out in Section 8.2.3, save where the standards have been superseded by SPPRs contained in the 2018 Apartment Guidelines.
- The development complies with policies of the SUFP regarding zoning, unit numbers, density/scale, building height, public and private open space, retail and design principles, environmental infrastructure (surface water drainage), and transport.

8.0 Third Party Submissions

8.1. The single submissions has been received on behalf of the residents of the Lakelands housing estate. The main points made relate to the following issues:

- Height;
- Quantum of development;
- Precedent;
- Analysis of school enrolment projects not satisfactory.

8.2. I have considered all of the documentation included with the above third-party submission.

9.0 Planning Authority Submission

9.1. DLRC 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 24th June 2019. 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 development is consistent with strategic outcomes of the NPF for compact growth and NPO 3b for the delivery of new homes in cities and suburbs within the existing built up footprints.
- The site is zoned MIC with an objective “to consolidate and complete the development of mixed-use inner core to enhance and reinforce its sustainable development” and is in the Mixed-Use Inner Core Area (MIC) under the SUFP. Residential use is permitted in principle in the MIC zone subject to compliance with policy in the SUFP; community and childcare uses are permitted in principle; convenience (inc. supermarket) and comparison shops are permitted in principle subject to compliance with policy in the SUFP.
- SUFP MC4 limits residential units within MIC Zones 1 and 2 to an additional 1,300 units. The revised SUFP adopted in March 2016 as part of the County Development Plan states that 835 units have already been permitted, leaving a shortfall of 465 no. units. A further permission withered in July 2016, releasing an additional 491 units into future capacity (total capacity of 956. ABP granted permission on an adjoining site in 2018 for 459 units (SHD ABP-301428) and ABP granted permission in 2019 for 84 units (ABP-303738-19). There is capacity for c. 413 units remaining. The proposed development would be 15 units above

the cap, however, this is an approximate cap and the proposed development represents a minor increase on the cap in the SUFP.

9.1.2. PA Comment on Retail

- Retail uses are appropriate having regard to the site's prominent location along a well-used pedestrian boulevard, the level of residential development proposed, the zoning and the submitted impact assessment. The retail development is considered to accord with Policy MC2 of the SUFP which states that retail shall cater for only the employment population within the Sandyford Business District and the residential catchments within walking distance. In the event of a grant of permission, it is recommended that a condition is attached to agree the details of signage and also to ensure that there is no amalgamation of units without a prior grant of permission.

9.1.3. PA Comment on Density & Plot Ratio

- The 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' seek to encourage increased densities in appropriate locations. CDP Policy RES3 is framed having regard to these guidelines. SUFP Section 2.5.1 states that DLR County does not have the infrastructure capacity to sustain future development across the Sandyford Business District at densities permitted to date. Therefore, development potential in the area has been distributed in a form that contributes to creating a cohesive, integrated and sustainable Business District having due regard to infrastructure issues identified in the Plan. The use of plot ratios is considered an appropriate measure of density for commercial and mixed-use areas.
- The SUFP identifies a plot ratio of 1:4 for the development site. The proposed development has a plot ratio of 1:2 with the wider Rockbrook development bringing this to 1:3.13. This accords with the SUFP.
- The proposed density of 255 units per hectare is in accordance with the SUFP. RES3 promotes higher densities subject to the reasonable protection of existing residential amenities and the established character of the area. The site is considered to be in a location which can accommodate high densities due to its location adjacent to the Luas, the plot ratio and heights within the SUFP and the existing / permitted densities of surrounding developments.

9.1.4. PA Comment on Building Height

The Building Height Strategy in Appendix 9 of the Development Plan notes that the SUFP sets building height limits across the Sandyford Business District that have been established through a considered assessment. The SUFP outlines a height range of 5-14 storeys for this overall area. The proposed development accords with this range. The newly published Urban Development and Building Heights Guidelines for Planning Authorities favour increased height in town/city cores and in other urban locations with good public transport. The PA is satisfied that the principle of the height range proposed at this location is acceptable, subject to full assessment of visual, daylight and sunlight and wind impacts.

9.1.5. PA Comment on Daylight / Sunlight

The proposed development complies with the parameters set out in the national guidelines, BRE guidance, SUFP and the CDP in relation to height, daylight and sunlight and in this regard is considered acceptable. It is noted that the BRE standard in relation to 2 hours sunshine over 50% of the communal area on the 21st March is not met in the ground floor spaces. The provision of the roof terraces ameliorates this deficiency. It is considered that the previous reason for refusal (D16A/0697 PL06D.248397) has been overcome in terms of impact on existing Blocks A and D. The design approach adopted in the scheme aids in achieving acceptable levels of daylight and sunlight.

9.1.6. PA Comment on Design, Layout, Permeability

The proposed development, its layout and response to the surrounding public realm and existing and proposed developments, would be a positive addition to this area and would sit comfortably in the (existing / envisaged) built environment. The proposed development is designed so that it would provide visual interest and legibility and would create an enjoyable urban experience for the pedestrian and future residents of the scheme. It is considered that the proposed development has overcome the previous reason for refusal no. 1 (D16A/0697 PL06D.248397) relating to encroachment onto public spaces and legibility and permeability of the boulevard and urban plaza.

9.1.7. PA Comment on External Finishes

The external finishes may be acceptable subject to a condition in relation to final samples and products. The parking ventilation and accesses are considered acceptable. The details of the Building Lifecycle Report are noted.

9.1.8. PA Comment on Residential Amenity

- Overlooking and separation distances between blocks are in accordance with the Development Plan standards.
- Apartments comply with SPPR 1-6 of the 'Sustainable Urban Housing Design Standards for New Apartments'. There is concern in relation to the low proportion of 3-bed + units at just 5%, in the context of the existing housing stock which is predominantly 1 and 2 bed apartments. The scheme is well positioned to provide for families. **The PA recommend that a condition is included, in the event of a grant of permission to require the amalgamation of some units.**
- Minimum overall apartment floor areas comply with SPPR 3 and 63% of the units exceed the standards by 10%, meeting the requirement of section 3.8 of the apartment guidelines. 64.7% of the apartments are dual aspect, well in excess of the 50% specified by SPPR 4. Ground floor units meet the floor to ceiling heights required by SPPR 5. The requirements of SPPR 6 regarding lift and stair cores are met. All apartments, with the exception of one (no. 201) comply with the minimum storage requirements. It is noted that many of the bedroom storage spaces are where a wardrobe would normally be positioned and that no details of boiler spaces / hot presses have been submitted. All units have private amenity space of the required size and all are accessed off the main living areas or bedrooms and have a depth of 1.5 metres, save for unit type 11 no.'s 0507,0605, 0705, 0804, 0904, 1003, 1103, 1201 and 1301 where the balcony depth is 1.48 metres. The shortfall is considered to be minor and can be addressed by condition. The units generally meet minimum internal floor area standards / widths save for units 0328, 0330, 0527 and 0529 which are 0.4sq.m and 0.3 sq.m below the minimum standards for aggregate floor area for living / dining / kitchen rooms. The PA consider the shortfall to be acceptable given its scale. It is noted that units 1201 and 1301 at 12th and 13th floors are accessed via external terrace that runs along a bedroom window associated with units 1206 and 1306. It is

recommended that a condition is included in the event of a grant of permission to require design measures to be put in place to safeguard the privacy of these units.

Community Facilities

- There is a requirement for 2,688 sq.m. of community amenity space based on the standards set out in the Apartment Guidelines (Appendix 1). A total of 2,841sq.m of communal open space is proposed with 1,382 at ground level. The minimum public open space requirement based on the CDP standard of 15 sq.m. – 20 sq.m per person is 10,320sq.m, at 15 sq.m per person and 13,760 sq.m at 20 sq.m.. An absolute minimum of 10% of the overall site area is to be provided as public open space within the site, giving a minimum requirement of 2002sq.m. 5,664 sq.m. is proposed within the site, which meets the 10% requirement. MC5 of the SUFP allows for the provision of indoor community facilities (e.g. community rooms, indoor active recreational uses for residents) or a financial contribution in lieu of open space provision. The proposed indoor community facilities are welcomed. Notwithstanding this, the PA consider that given the area of community spaces proposed in comparison to the shortfall in public open space a financial construction in lieu of open space provision would be appropriate.
- Proposed communal facilities are considered to be a positive addition to the scheme. Concern expressed in relation to the impact of proposed break out spaces (637 sq.m.) on the residential amenity of the adjoining apartments. Having regard to the quantum of development proposed, an additional multi-purpose room is required. The retail unit of 198 sq.m to the west of the proposed 182 sq.m multi-purpose room would lend itself well to use as a community room. A condition should be attached to this effect. The SUFP envisages that community infrastructure cater for the entire neighbourhood. In line with the approach under a previous consent in the area under SHD ABP-303467-19, a condition allowing for the use of the multi-purpose room for the wider community on a regular sessional basis amounting to 6 hours per week is recommended.

9.1.9. PA Comment on Open Space

- The proposal provides 1,382 sq.m of communal space at ground level and 1,459 sq.m at upper levels, accounting for just under 54% of total required communal amenity space. The site is proximate to a proposed 'civic park' as per Objective OS1 of the SUFP. There is a Specific S48 Contribution Scheme in place providing a mechanism for the collection of a financial contribution specifically for open space provision in the Sandyford area. The Report of the Parks and Landscape Services Section recommend that conditions are attached in relation to connectivity of landscape design and permeability into the Tivway site and a financial contribution in lieu of public open space provision. The proposal to remove trees is not acceptable and it is recommended that a reassessment of the Tree Removal Plan is required by condition of permission. It is recommended that a condition is attached in relation to playground specifications.

9.1.10. PA Comment on Wind

- It is considered that the impact of wind has been adequately addressed. The PA is satisfied that the proposed mitigation measures will ensure no negative impact on existing or future residents.

9.1.11. PA Comment on Transportation / Movement / Bicycle Parking & Storage / Car Parking

- The NTA submissions regarding the layout of the external road environment are noted. Any co-operation to facilitate improvements for future cyclists and pedestrians will be welcomed. The suggested alterations to the Carmanhall Road and Birch Avenue are considered to be outside of the applicants control and not identified as a requirement by the PA's Traffic Section. There are existing pedestrian crossings on Blackthorn Drive that may facilitate cyclists.

Cycle Parking

- The cycle parking provision is considered acceptable as it exceeds the standards of the CDP and the Apartment Guidelines. It is noted that the routes between the basement circulation areas and the cycle parking are restricted and / or circuitous in some instances. Give the level of car parking proposed, it is considered that there is scope for a reconfiguration of the layout to address these issued. A condition is recommended.

- The level difference between Carmanhall Road and existing basement level -1 dictate that it is not feasible to provide an access ramp of required gradient to the long-term cycle facilities. Recommended that a condition is included, in the event of a grant of permission, requiring that lift sizes are adequate to accommodate bicycles / buggies etc to facilitate ease of use.
- In terms of the construction phase, it is recommended that the following conditions are attached in the event of a grant of permission:
 - Full details of works at the interface with the public realm (Carmanhall Road and Blackthorn Drive) to be submitted for the agreement, a Construction Management Plan to be submitted for agreement and implemented; works on public roads and footpaths to be carried out to taking in charge standard; a Road Opening Licence to be obtained for works on the public road or footpath; and applicant to implement the travel plan.

Car Parking

- The car parking provision is considered to be in accordance with the CDP, given the site's proximity to the Luas.

9.1.12. PA Comment on Surface Water Drainage and Flood Risk

- It is recommended that conditions are attached in the event of a grant of permission that require further detail in relation to surface water drainage to be submitted for agreement. In relation to Flood Risk, on the understanding that the applicant has consent to undertake necessary flood mitigation measures on third party lands consent, the PA is of the opinion that the analysis contained in the PUNCH Engineering Flood Risk Assessment is appropriately detailed and provides sufficient evidence to pass the Development Management Justification Test and that the proposals, and in accordance with and satisfy the requirements of the DLR CDP (Appendix 13) and the Flood Risk Management Guidelines.

9.1.13. PA Comment on Childcare Facilities, Schools Demand Analysis

- The childcare provision is considered acceptable and is a welcome addition to the facilities at this location.

- Detail of school's demand analysis noted. Extant permissions for primary school and secondary schools in the area (D18A/1210 & D18A/1171) are not referenced. Analysis is considered to be acceptable.

9.1.14. PA Comment on Other Matters

Part V

- The report of the Housing Section raises no objection and recommends conditions.

Taking in Charge and Phasing

- No details have been submitted in relation to taking in charge and phasing. Having regard to the scale of the development, these matters can be addressed by condition.

Construction Management

- It is recommended that a condition is attached in the event of a grant of permission that restricts the hours of operation on site during the construction phase to 8.00 to 19.00 Monday to Friday, 08.00 to 13.00 on Saturday, with no works to take place on Sundays or Bank Holidays.

9.1.15. PA Comments Conclusion

- The PA welcomes the development of this unfinished vacant site within Sandyford. It is considered to be broadly consistent with the relevant objectives of the County Development Plan and SUFP. It is considered to be an efficient use of this site in close proximity to the Luas stop and will deliver a new residential community in this part of the Sandyford Business District. The planning authority recommends permission subject to conditions.

9.1.16. Summary of Views of the Dundrum Area Committee

- Concerns raised in relation to the extent of tree loss and lack of detail submitted in relation to replanting of trees.
- ABP to have regard to submissions of NTA and TII and reports of the Transportation and Parks and Landscape Sections of the PA.
- Traffic impacts and capacity of Luas and road infrastructure.

- Part V detail and fact that Part V units are single aspect and north facing.
- Request that development does not encroach onto public plaza.
- Request that development is refused.

10.0 Prescribed Bodies

10.1. Irish Aviation Authority

Requires a condition that the applicant contact IAA prior to the commencement of crane operations, with 30 days prior notification.

10.2. Irish Water

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.

10.3. Transport Infrastructure Ireland

- Tram signal priority at the Luas junction with St. Raphaela's Road shall be maintained.
- Traffic generated by the development shall be managed through the local road network so as not to cause traffic queuing on Blackthorn Drive or Blackthorn Avenue to ensure access to and from the Luas Park and Ride facilities.
- The development falls within the area of an adopted Section 49 levy scheme for Luas. Apply a S49 condition in the event of a grant of permission.

10.4. National Transport Authority

The points raised in the submission can be summarised as follows:

- The proposed development aligns with the principles of land use and transportation integration set out in the Transport Strategy and Local Planning Principles in the Strategy, in so far as it would increase the number of people living within walking and cycling distance of public transport and local services

and would provide a permeable site layout that would promote and facilitate the use of public transport.

- Support cycle parking provision, which is in accordance with the DLR Standards for Cycle Parking and associated Cycling Facilities for New Developments (2018).
- Regarding road design and the layout of the external road environment:
 - The interface between the dedicated cycle access ramp and Blackthorn Drive is unresolved. The ramp provides for two-way cycling into and out of the development, while there is no provision for cyclists to cross Blackthorn Drive, which is six lanes wide at this point.
 - On the southern boundary it is proposed to retain the existing alignment and cross section of Carmanhall Road. The design of the Carmanhall Road from its junction with Blackthorn Drive to the right turn pocket into Beacon South Quarter would merit consideration. This section of road should be straightened, and a direct pedestrian crossing provided at the western end of Carmanhall Road (from the Sentinel Building to the Beacon South Quarter) to cater for increased crossing demand.

10.5. Health Service Executive

- Observations made on construction management; waste management and pest control; air and noise; drainage; open space; childcare and sustainable development.
- No concerns with proposal subject to mitigation measures in EIAR and proposed above;
- Construction Management Plan should address waste management, staff welfare facilities, pest control, dust impacts, noise and emissions to surface / ground water.
- Suitable pest control programme be adopted and implemented on site;
- Noise and air quality conditions recommended for the construction and operational phases. Recommend that a complaints log is maintained for air, noise and vibration. Reference to noise impacts arising from mechanical ventilation on 12th floor.

- Standard operational noise condition recommended.
- Foul drainage system should be maintained so as not to cause a public health nuisance.
- Construction of crèche should be a condition of permission.
- Condition requiring implementation of the landscape design report.
- Question in relation to health and well being impacts arising should loss of daylight / sunlight occur.

11.0 **Assessment**

11.1.1. I consider that the key issues for consideration by the Board in this case are as follows: -

- Principle and Quantum of Development
- Building Height and Visual Impacts
- Residential Amenity and Quality of Development
- Childcare Facilities and School Demand
- Impacts on Residential Amenities
- Traffic and Transport
- Drainage, Flood Risk and Site Services
- Part V

These matters are considered separately below. Furthermore, I have carried out Environmental Impact Assessment and Stage 1 Appropriate Assessment in respect of the proposed development, as detailed in Sections 12.0 and 13.0 below.

11.2. **Principle and Quantum of Development**

11.2.1. The site is located in the Sandyford Business District, identified as a 'primary growth node' in the Development Plan Core Strategy. It is envisaged that a significant portion of residential units will derive from primary growth nodes up to 2022 and beyond. The

proposed development is primarily residential with ancillary retail, childcare and community uses proposed.

11.2.2. The site has the zoning objective 'Zone 1' MIC with an objective "to consolidate and complete the development of the mixed-use inner core to enhance and reinforce sustainable development". Under Table 8.3.16 of the Development Plan, residential uses and convenience (inc. supermarket) and comparison shops are 'permitted in principle' in the MIC zone subject to being in accordance with Sandyford Urban Framework Plan (hereafter referred to as the SUFP) policy for residential and retail development within the Mixed-Use Core Areas. Childcare and community facilities are 'permitted in principle'.

11.2.3. Section 2.3.2 of the SUFP states that the amount of apartment development permitted to date in Mixed Use Core Areas is considered sufficient to provide vitality to those areas and that future residential development should primarily be focused within residentially zoned land. SUFP Objective MC4 is to limit the number of additional residential units within the Mixed-Use Core Zones 1 and 2 to c. 1,300 residential units. The SUFP adopted in March 2016 as part of the County Development Plan states that 835 units have already been permitted, leaving a shortfall of 465 no. units. However, the PA's submission states that a further permission withered in July 2016, releasing an additional 491 units into future capacity (total capacity of 956). ABP granted permission on an adjoining site in 2018 for 459 units (SHD ABP-301428) and ABP granted permission in 2019 on appeal for 84 units in the Beacon South Quarter (ABP-303738-19). The PA opinion concludes that there is capacity for c. 413 units remaining within the 'Mixed Use Core Area' and that while the proposed development would exceed the cap by 15 units, this is an approximate cap and the proposed development represents a minor increase on the cap. I would note that the permission for 84 no. units under ABP-303738-19, replaced an earlier permission for 64 no. units on that site under PA Ref. D04A/0618 (Beacon South Quarter) that expired in August 2017, and as such the net increase on this site is 20 units, as opposed to the 84 units referenced in the PA's opinion. I calculate the remaining capacity to be 477 no. units. The proposed residential development falls within the cap and is therefore acceptable in principle.

11.2.4. Retail development is acceptable within the MIC zone under the SUFP, subject to a number of safeguards in relation to the scale of retail floorspace and its impact on existing centres. Under Objectives MC1 it is an objective to require a Retail Impact

Assessment for all convenience and comparison retail development proposals in excess of 300 sq.m GFA, while Objective MC2 states that all Retail Impact Assessments should demonstrate that the scale and nature of retail proposed caters only for the employment population within Sandyford Business District and the retail catchments within walking distance and that it will not have a negative impact on adjacent retail centres. MC3 requires all proposed retail developments to identify the nature of the proposed use. The proposed development includes a Retail Impact Assessment, which concludes that the proposed retail units will cater for retail catchments within walking distance and that it will not impact negatively on adjacent retail centres. The assessment considers the impact of convenience and comparison retail. I accept the findings of the assessment.

11.2.5. In terms of the quantum of development proposed, the site is at a location suitable for higher residential densities in accordance with the 'Guidelines on Sustainable Residential Development in Urban Areas' and RES3 of the Development Plan due to its proximity to the existing Stillorgan Luas stop and proposed public transport interchange. The proposed residential density exclusive of the proposed retail, commercial and community uses is 255 units / ha. This is acceptable given the location and the established and permitted pattern of development in the immediate vicinity on the Rockbrook site, the former Aldi site to the immediate east and the Beacon South Quarter site to the immediate south. Policy SUFP 2 Density and Scale states that Dun Laoghaire Rathdown County does not have the infrastructural capacity to sustain future development across all of the lands in Sandyford Business District at the densities permitted to date. SUFP Map 3 identifies a plot ratio of 1:4 for the application site and the adjoining site to the east. The proposed development has a plot ratio of 1:2.46 giving an overall plot ratio of 1:3.13 within the Rockbrook site. The PA considers the proposed plot ratio to be acceptable. I would concur, the plot ratio is in keeping with the plot ratio standard for this site.

11.2.6. On the basis of the foregoing, I consider that the proposed development is acceptable in principle.

11.3. Building Height and Visual Impacts

11.3.1. SUFP Map 3 indicates that the development site is suitable for a height of 5-14 storeys. The development is in accordance with this. SUFP objective BH2 also sets out the following criteria for the consideration of building height:

- Immediate and surrounding environment,
- Adjoining structures,
- Open space,
- Public realm (including impact on streets, spaces, pedestrian and cycle routes, identified green routes and with particular emphasis on shadow impact),
- Views and Vistas, and
- Impacts on micro climates (such as wind funnels and overshadowing).

These matters may be considered in the context of visual impacts, interaction with the public realm, open space and micro climate impacts as follows.

Visual Impacts

11.3.2. The following assessment relies on the VIA submitted by the applicant, on the photomontages submitted and observations during site inspection. The site is a vacant site surrounded by hoarding on all sides. There is a part constructed basement car park underneath the site. Within the wider 'Rockbrook' site there are 2 no. 6-10 storey residential and commercial blocks to the immediate north of the site and the partly completed 6-14 storey office building to the west. The undeveloped 'Tivway' site to the east has a recent grant of planning permission for a 5-14 storey over basement development. The proposed 5–14 storey building height is generally in keeping with this context. The photomontages submitted with the application show that the development will be viewed as part of a composition of higher buildings including the existing Sentinel building. I note that the submitted VIA finds that negative visual effects are likely to arise during the construction phase due to construction activities, while medium to long term impacts would be moderate and positive. No significant potential cumulative impacts are identified. The PA opinion notes that the proposed development accords with the height range of 5-14 storeys outlined in the SUFP and does not indicate any objection to the proposed development on landscape or visual

impact grounds. I have inspected the site and viewed it from a variety of locations in the area. While the proposed development will change the outlook from the adjoining areas, I consider the visual and landscape impacts to be acceptable in the context of the evolving, mixed character of the Sandyford Business District.

Public Realm

11.3.3. At a local level, the proposed development comprises two 5-14 storey blocks arranged around 2 no. internal courtyards that sit within the block structure of the originally approved and partially completed 'Rockbrook' development. Direct and active frontage is proposed to Carmanhall Road and to internal north/south and east/west pedestrian streets and public spaces. Retail frontage is concentrated along the north-south street, with predominantly community and residential frontage along the east-west street. Along Carmanhall road there is a double fronted creche building, own door residential access and a proposed vehicular access to basement level. The development includes contrasting 'internal' and 'external' facade treatments with a brick finish proposed to 'public' streets and boulevards and softer and more colourful facade treatments to the internal courtyards. The block structure provides high pedestrian permeability at ground level and strong connections to the adjacent developments, Blackthorn Drive and the Stillorgan Luas stop via the internal street network. The southern facade to Carmanhall Road will fill an existing gap within the streetscape and tie in with the approved development on the adjoining 'Tivway' site (Contiguous Elevation Drawing's P402 and 404 refer). It is envisaged that these developments would be bookend at the corner of Carmanhall Road and Blackthorn Drive by the 14 storey 'Sentinel' tower. The landscape strategy, as described, is based on the provision of a number of public 'spaces' at street level that lead to semi-enclosed public (western) and semi-private (eastern) courtyard spaces. A series of communal landscape roof terraces are also proposed at levels no. 5, 6 and 9 for residents of the proposed apartments. A travellator is provided between the street level (east-west street) and parking at basement level. The matter of accessibility to the public may be addressed by condition. It is considered that the proposed development will have a strong visual presence that will help to create legibility within the Sandyford Business District. The internal layout of the development generally provides for a satisfactory tie-in with the completed elements of the Rockbrook Scheme, the Beacon South Quarter to the south and the 'Tivway' site to the east. It is highly permeable and

would improve pedestrian permeability and connections to the Luas stop. Definition between public, semi private and private spaces at the ground level is achieved through level change and landscaping, hierarchy of footpaths and enclosure. The layout improves the existing north / south axis between Blackthorn Drive and Carmanhall Road and provides an ancillary east / west connection to the approved 'Tivway' development. The blocks present a 6-storey elevation to Carmanhall Road, stepping up to 12 and 14 storeys at the western end, adjacent to the adjoining 14 storey Sentinel building to the west. There is a good degree of visibility into and through the scheme from Carmanhall Road and Blackthorn Drive to the north. The remainder of the Carmanhall Road frontage is laid out as a footpath, with hard and soft landscaping and lay by parking proposed along the street interface. There are own door residential units at ground level that provide an active frontage to the street. The blocks within the scheme are laid out such that there are distances greater than 22 metres between facades, and there are therefore no concerns regarding overlooking between blocks. The internal open spaces are part of an open space / landscaping strategy to create different 'character areas' and include circulation spaces, tree planting, soft landscaping, semi-private spaces, play areas and street furniture. This landscaping strategy is of a high standard, in my view and all of the public and communal spaces are well overlooked. I am satisfied that the development achieves a high quality public realm with a high degree of pedestrian and cycle permeability and accessibility.

Micro Climate Impacts – Daylight & Sunlight and Wind

- 11.3.4. I would refer the Board to the Daylight and Sunlight assessment submitted with the application. Section 2.0 of the assessment considers sunlight access within public / communal open spaces, streets and the creche open spaces. Section 3.0 assesses daylight access to the proposed residential units. The potential impacts on the receiving environment are addressed in Section 11.6 below and in Chapter 10 of the EIAR.
- 11.3.5. The public and communal open spaces were assessed using a 3D model. The analysis concludes that the requirement to provide street frontage onto Carmanhall Road to the south limit's sunlight access to the courtyard open spaces at ground level. It is unlikely that sunlight will hit the ground of more than half of these spaces for the target of 2 hour's on March 21st, as recommended by BRE 209. The 4 no.

communal terraces on upper floors will receive sunlight throughout the day, over considerably more than half of their areas. It is argued that the variety of communal open space will afford residents choice of communal open spaces and an opportunity to enjoy sunlight access at almost any time of the day throughout the year. The proposed east – west street will be in sun at any given time over the course of the day during the mid-summer period. Due to the angle, the south-west street will receive sunlight along its axis for a period during the mid-afternoon of the spring, summer and autumn months, as will the junction of the north–south and east-west streets. In terms of the creche, the two south facing play spaces will receive a high level of sunlight access, while area 3 will offer an all-weather covered facility.

11.3.6. In Section 3.0 daylight access to the proposed residential units is considered, based on a sample of units at the lowest levels of accommodation (worst case scenarios). 77 no. rooms were analysed with at least one of each unit type. The analysis concludes that all sample habitable rooms within the proposed development will experience Average Daylight Factors in excess of the relevant minimum levels by British Standards (Table 5.1 refers).

11.3.7. Chapter 13 of the EIAR considers the impact of wind. The existing situation on site is windy (relative to other large cities) with particularly windy conditions in the south west corner. Architectural and landscape mitigation measures are proposed to reduce the impact of wind (e.g. planters, shrubs, deciduous trees, porous screens, winder gardens in place of balconies, solid balustrades). The assessment indicates that the proposed development will improve the existing situation and that with the introduction of mitigation measures that all spaces will be suitable for the intended use with no strong winds exceeding the safety threshold at any location. It is considered that the impact of wind has been adequately addressed. The PA opinion states that the proposed mitigation measures will ensure no negative impact on existing residents of the overall area or future residents of the development.

Height and Visual Impacts Conclusion

11.3.8. Having regard to the above assessment, it is considered that the development will be satisfactory in terms of visual impacts, interaction with the public realm and the quality of amenity spaces provided. The height and design of the scheme is therefore acceptable.

11.4. Residential Amenity and Quality of Development

11.4.1. The following assessment considers the quality of the proposed residential development with regard to the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities' 2018; the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the associated Urban Design Manual; the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Sandyford Urban Framework Plan 2016-2022.

11.4.2. Housing Mix

The development provides the following housing mix:

| Unit Type | No. | % |
|------------------|------------|------------|
| Studio | 32 | 7 |
| 1-Bed | 122 | 29 |
| 2-Bed | 251 | 59 |
| 3-Bed | 23 | 5 |
| Total | 428 | 100 |

The proposed development includes a combination of own door, duplex and standard apartment types. The mix is considered satisfactory with regard to development plan housing policy and SPPRs 1 and 2 of the apartment guidelines. The PA express concern in relation to the low proportion of 3-bed units and absence of larger units. The opinion refers to the high proportion of 1 and 2 bed apartment units in the Sandyford Business District and contend that there is a strong policy based imperative for a greater proportion of larger units as the scheme is well placed to accommodate families. It is recommended that a condition is attached in the event of a grant of permission requiring the amalgamation of units. While I acknowledge concerns of the PA, I would note that the proposed development meets the standards set out in national guidance with regard to housing mix and that there

is a predominance of larger 3 bed + units within the wider suburbs. The proposed housing mix is, therefore, acceptable in my view.

11.4.3. Apartment Design and Layout

The submitted Schedule of Floor Areas and Housing Quality Assessment indicate that floor areas for all apartment units meet or exceed the minimum specified in SPPR3 of the apartment guidelines. The individual apartment types also meet the requirements for internal floor areas and storage space provision as per Appendix 1 of the guidelines.

Section 3.7 of the guidelines stipulate that no more than 10% of the total number of two bed units in any private residential development may comprise two bedroom, three person apartments. The submitted documentation includes the number of persons per unit and indicates that 16 no. apartments and less than 10% of the two bed units are three-person apartments, with the remainder catering for four persons. Section 3.8 of the guidelines 'Safeguarding Higher Standards' requires that the majority of all apartments in any scheme > 10 units shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bed unit types by a minimum of 10% (any studio apartments must be included in the total but are not calculable as units that exceed the minimum by at least 10%). A total of 63% of the apartments exceed the floor area standard by 10% and therefore comply with this requirement.

SPPR 4 requires a minimum of 33% of dual aspect units in more central and accessible urban locations and a minimum of 50% in suburban or intermediate locations. A total of 64.7% of the proposed apartments are dual aspect, well in excess of this requirement. There are no single aspect north facing units.

SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with.

SPPR 6 specifies a maximum of 12 apartments per floor per core. This requirement is complied with. The proposed layout provides for 18 no. own door units and between 6 and 12 no. apartment units per floor per core.

Appendix 1 of the Guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. I would note that these standards are not governed by SPPR. All apartments comply with the storage requirements, save unit 0201, which is 0.1sq.m. below. This is not considered a material deviation from the standards in the guidelines. The units generally meet the minimum aggregate floor area and width standards, save for units 0328, 0330, 0527 and 0529 which are 0.4 sq.m and 0.3 sq.m below the minimum standards for aggregate floor areas for living / dining / kitchen rooms. These are studio units of 37sq.m (min size) and there is no clear provision to amend the layout of the units to accommodate greater floor areas in the living / dining / kitchen areas. This is not considered a material deviation from the standards in the guidelines. The PA opinion expresses concern in relation to the fact that units 1201 and 1301 on the 12th and 13th floors are accessed along an external terrace that runs along the bedroom windows of units 1206 and 1306. It is recommended that a condition is included in the event of a grant of permission requiring measures to safeguard the privacy of units 1206 and 1306. I would concur with this recommendation.

Private open space is provided in the form of terraces at ground floor level and balconies / winder gardens at upper levels. The design of the balconies has been informed by a wind micro-climate study. Balconies at locations where wind effects are strong have sliding glazed screens to become 'winter gardens'. The submitted schedule of floor areas indicates that private open spaces meet or exceed the quantitative standards provided in Appendix I of the apartment guidelines, save for Unit Type 11, which has a depth of 1.48 m. This is considered to be a minor shortfall that can be addressed by way of condition.

11.4.4. Communal Facilities and Services

Section 4.5 of the Apartment Guidelines encourage the provision of communal rooms and communal facilities in apartment schemes, particularly in larger developments. Proposed communal facilities include a multi-purpose community room (182sq.m), laundry room and co-working area (56sq.m) at ground level; and communal break-out spaces (637sq.m in total) at upper levels that accommodate reading & sitting and also include a soft play room, communal TV room, book and

media room, teenagers / homework club room, exercise room and a private work space with hot desk. The submitted details state that the spaces will be professionally managed. While the PA's opinion welcomes the provision of community facilities, concerns are raised in relation to the impact of breakout spaces on the amenity of adjoining apartments. The opinion also suggests that an additional multi-purpose room could be provided given the overall scale of the development. It is noted that the retail unit to the west of the proposed ground level multi-purpose room (198sq.m) would lend itself well to use as a further community room. I consider the level of communal floorspace provision to be acceptable. Details of management can be addressed by condition. The proposed crèche facility is discussed in section 11.5 below. Waste storage is provided at basement level. This is acceptable subject to agreement of an operational Waste Management Plan.

11.4.5. Landscaping and Open Space Provision

In terms of quantitative provision, a total of 5,664sq.m of open space (public and semi-public) is provided as follows:

| Open Space Provision | Area |
|-----------------------------|---------------------|
| Public Open Space | 5,664 sq.m. |
| Communal Open Space | 2,841 sq.m. |
| Public Realm | 3,322 sq.m. |
| Total | 11,827 sq.m. |

This may be considered with regard to the standards set out in Appendix I of the apartment guidelines for communal open space provision as follows:

| Unit | No. of Apts | Space per Apt (sq.m.) | Total Requirement (sq.m.) |
|--------------|--------------------|------------------------------|----------------------------------|
| Studio | 32 | 4 | 128 |
| 1 bed | 122 | 5 | 610 |
| 2 bed | 14 | 6 (3 person) | 84 |
| 2 bed | 237 | 7 (4 person) | 1,659 |
| 3 bed | 23 | 9 | 207 |
| Total | 460 | | 2,688 sq.m. |

The development meets the communal open space standards set out in Appendix 1 of the guidelines.

Section 8.2.8.2 of the DLR County Development Plan sets out a public open space requirement for residential development of between 15 sq.m and 20 sq.m per person. The requirements are as follows:

| Rate | Occupancy | Total Requirement |
|------------------|------------------|--------------------------|
| 15 sq.m / person | 688 | 10,320 |
| 20 sq.m / person | 688 | 13,760 |

An absolute minimum of 10% of the site area is to be reserved for use as public open and / or communal space, equating to 2002sq.m. A financial contribution may be considered in respect of the remainder. A lower quality of open space per person (below 20sq.m) will be considered where exceptionally high-quality open space is provided. MC5 of the SUIP allows for the provision of indoor community facilities (e.g. community rooms / indoor active recreation areas) or a financial contribution in lieu of open space where meaningful and useable open space cannot be provided.

The quantitative requirement to provide 10% of the site area is met. It is considered that the development provides a satisfactory standard of public realm, amenity and landscaping. I consider that public open space provision at a rate of 15sq.m per person is acceptable in this instance, given the high-density context and the quality of public areas within the scheme. This equates to 10,320sq.m overall.

The public open space provision of 5,664 sq.m is over 50% of the Development Plan standard. When public open space, communal open space, public realm (excluding public footpaths) and communal facilities floorspace is combined the overall provision within the site is in line with the requirements of the Development Plan. The PA Opinion seeks a special contribution in lieu of the under provision of public open space and highlights the fact that the Section 48 Scheme provides a mechanism for the collection of a financial contribution specifically for the Sandyford area. There are specific objectives in the Development Plan (SLO's 119 and 121)

for the provision of a public park and pocket parks and civic spaces in this area. However, I am of the view that the level of public open space and communal space is adequate and that the payment of a standard S48 Contribution would suffice in this instance.

11.4.6. Quality of Residential Development Conclusion

To conclude, I consider that the design and layout of the development is satisfactory with regard to national and development plan guidance for residential development and that there is a reasonable standard of residential accommodation for future residents of the scheme.

11.5. **Childcare Facilities and Schools Demand**

- 11.5.1. The 'Childcare Facilities Guidelines for Planning Authorities' recommend a minimum provision of 20 childcare places per 75 no. dwellings. The apartment guidelines state that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. 1 bed or studio units should generally not be considered to contribute to a requirement for childcare provision and, subject to location, this may also apply in part or whole to units with 2 or more bedrooms.
- 11.5.2. The development includes a crèche of 486 square metres in area. The applicant submits that, the proposed facility will cater for 73 no. children. When 1 bed and studio units are omitted, the remaining 274 no. units have a childcare requirement of c. 73 childcare places based on the guidance contained in the Childcare Facilities Guidelines. I am satisfied that the level of childcare provision is adequate.
- 11.5.3. A School Demand Analysis submitted with the application concludes that the proposed development would accommodate 275 no. children of school age and that the demand arising from the proposed development is likely to be absorbed by the existing schools. While the third party observation questions the use of historic census data to calculate school demand, I am satisfied that the assessment provides a suitable level of assessment.

11.6. Impacts on Residential Amenities

- 11.6.1. Potential for impacts on residential amenities arises in relation to the existing blocks within the Rockbrook site to the north, the approved development on the 'Tivway' site to the immediate east and the Beacon South Quarter site to the south of Carmanhall Road.
- 11.6.2. The issue of visual impact is considered above. In terms of overlooking I would note that Section 8.2.3.3 of the Development Plan states that a minimum clearance distance of 22 metres between opposing windows will normally apply in the case of apartments up to three storeys in height and that in taller blocks, a greater separation distance may be required. I am satisfied that the minimum clearance is met and exceeded in most cases and that no adverse overlooking would arise.
- 11.6.3. Chapter 10 of the EIAR describes potential sunlight and daylight impacts on existing buildings. The potential 'sunlight' impacts are assessed using a 3D digital model. Appendix 10.1 of the EIAR contains Shadow Diagrams for March 21st, June 21st and December 21st. The modelled shadow cast is largely contained within the 'Rockbrook' site. Table 10.1 describes the potential Annual Probable Sunlight Hours received by sample windows in the southern and south eastern facades of Block A and the southern facade of Block D. The assessment concludes that the potential impact of the proposed development is likely to be consistent with emerging trends for development in the area or 'moderate' in extent. The same conclusion is reached when the cumulative impact of the proposed development and the approved scheme on the adjoining 'Tivway' site is considered. The impact is similar to or less than that of the parent permission granted in 2006 on the site (PA Ref. D05A/1159 and ABP Ref. PL06D.215205) and is an improvement on the scheme refused in 2016 on the site (ABP Ref. PL06D.248397) for reasons that included the undue diminution in the availability of light to apartments in Blocks A and D, as compared to the previously approved development on the site. It is anticipated that the proposed scheme would improve the shadow environment of the adjacent 'Tivway' site relative to the parent permission due to the inclusion of a courtyard along the eastern boundary.
- 11.6.4. The potential 'daylight' impacts on neighbouring buildings is measured using Vertical Sky Component to sample windows in the existing buildings. The results of the analysis are set out in Table 10.3 of the EIAR. The analysis considers windows at

lower (worst case scenario) and upper levels. It indicates that the proposed development has the potential to reduce daylight access to windows in buildings opposing the application site at close proximity – namely Blocks A and D within the Rockbrook Site and windows in the Beacon South Quarter facing north. The analysis indicates that the impacts would not surpass those of the parent permission granted in 2006, had it been constructed and that in a worst-case scenario the potential impacts on daylight is considered to be consistent with emerging trends for development or “moderate” in extent. The same conclusion is reached in respect of the cumulative impacts arising from the construction of the proposed development and the approved residential scheme on the adjoining ‘Tivway’ site to the east.

11.6.5. I accept the findings of the Sunlight and Daylight Analysis. It is clear that the proposed development would reduce the levels of sunlight and daylight currently enjoyed by neighbouring blocks to the north, in particular. I would note that the potential impacts are similar to or reduced when compared against the parent permission for 6 no. blocks and are an improvement on the scheme refused by the PA and the Board – PA Ref. D16A/0697 and ABP Ref. PL06D.248397. The PA opinion states that it is considered that the previous reason for refusal has been overcome in terms of impact on existing Blocks A and D and that the design approach adopted in the scheme aids in achieving acceptable levels of daylight and sunlight. I consider that the level of impact arising is significantly reduced on previous iterations of the scheme (as detailed in the EIAR), that it is acceptable within this high-density urban context and that it would not constitute reasonable grounds for refusing planning permission.

11.7. **Traffic and Transport**

Roads, Traffic and Transportation are addressed in Chapter 14 of the EIAR and in associated drawings and details. The submitted details contend that the proposed development supersedes previously approved developments under PA Ref. D05A/1159 and D07A/0975. It is noted that road improvement works required under those applications have been completed. In terms of TIA it is noted that the traffic model developed for the Sandyford Business District to support the SUFP took account of the approved developments on the Rockbrook site as it was assumed that they would be completed. The submitted traffic assessment compares the impact of the development proposed in this instance with that of the previous

schemes to demonstrate the relative impact with respect to traffic and transportation. Junction impact analysis on 5 no. junctions (existing and proposed) in the vicinity of the site has also been undertaken.

11.7.1. Existing and Proposed Roads, Pedestrian and Cycle Infrastructure

The Rockbrook site is bounded by Blackthorn Drive and Carmanhall Road, both main distributor roads within the Sandyford Business District with pedestrian and cycle facilities. The cycle track along Carmanhall Road extends for c. 170m from the junction with Blackthorn Drive. The site is immediately adjacent to the Stillorgan Luas stop and a proposed public transport interchange as per SUFP Objective TAM2. A staggered pedestrian crossing at the signalised junction of Blackthorn Drive / St. Raphaela's Road to the north east of the site, provides the most direct connection to the Stillorgan Luas stop. SUFP Objective TAM3 includes a Bus Priority Scheme along Blackthorn Drive as part of the Sandyford Internal circular QBC from the Stillorgan Luas stop via Blackthorn Avenue, Blackthorn Road and Blackthorn Drive. Objective TAM 4 is for the provision of an internal shuttle bus from Stillorgan Luas stop to various locations within Sandford Business District, also shuttle bus from Blackrock DART station to Stillorgan Luas stop and Sandyford. Objective TAM6 includes a cycling and walking route along Blackthorn Drive, to be developed along with traffic calming measures as part of the QBC works. The wider area is well served by bus routes as detailed in the submitted Travel Plan (Appendix 14.1).

The existing Rockbrook scheme is accessed via a single vehicular access at the northeast corner of the site from Blackthorn Drive to the existing basement car park. It is proposed to complete the basement car park and to provide a second vehicular access to the basement at the south east corner of the site from Carmanhall Road. The basement would have 2 no. levels under existing Blocks A and D and 3 no. levels under the proposed development and the Sentinel site. Vehicular access to Basement Level -1 will remain via Blackthorn Drive, while vehicular access to levels -2 and -3 would be from Carmanhall Road. It is envisaged that cyclists and all retail traffic will be routed through the existing northern access, whilst all office (permitted) and residential traffic will be routed via the proposed Carmanhall Road access. The car parking at basement level -1 will operate as a pay and display. Access to

basement levels -2 and -3 will be restricted to residents and office use only. Cycle parking is proposed at basement level -1 as detailed on drawing 118139-03.

The road network surrounding the site is in place. It is proposed to improve the streetscape interface with Carmanhall road and to provide 3 no. creche drop off spaces and a pull in area for refuse trucks. The proposed access to the basement has tight junction radii and sight lines in accordance with DMURS.

The Report of the DLRCC Transport Planning Section, indicated no objection to the proposed works subject to conditions. The report comments on the gradient of the access from Blackthorn Road at the northern side of the basement and questions its suitability for cyclists, in addition to the indirect access to cycle parking which is at the southern end of the basement. It is suggested that the basement could be reconfigured to improve this and that lifts should be sized to facilitate ease of access.

The NTA submission while supportive in principle, seeks improvements to the public road network in the vicinity of the site to improve the cycle network. The PA indicates that while the proposed upgrades would be welcomed, the works fall outside of the site and cannot be undertaken or conditioned as part of the subject application. I would concur, the works sought to the public street network fall outside of the scope of the subject application.

The proposed roads, pedestrian and cycle layout is considered acceptable overall. The issues raised by DLRCC Transport Planning Section, may be addressed by condition.

11.7.2. Car and Bicycle Parking

A total of 508 car parking spaces are proposed as follows:

| Land Use | Development Plan Standard | Required Provision |
|-------------------------------|----------------------------------|---------------------------|
| 154 no. 1 bed and studio unit | 1 space per unit | 154 spaces |
| 251 no. 2 bed units | 1 space per unit | 251 spaces |
| 23 no. 3 bed units | 1 space per unit | 23 spaces |
| Residential Visitor | | 46 spaces |

| | | |
|------------------|----------------|--------------------|
| Retail | 1/50 sq.m GFA | 17 spaces |
| Creche | 1/staff member | 15 spaces |
| Car Share Spaces | | 2 |
| Total | | 508 spaces* |

It is proposed to provide 1 electric charging space / 10 car parking spaces and 21 no. disabled car parking spaces in accordance with the CDP standard.

The overall car parking provision for the site would be 1,445 no. spaces. The provision of 1 space per apartment falls below the CDP standards in Table 8.2.3 of 1 space per 1-bed unit, 1.5 spaces per 2-bed unit and 2 spaces per 3 bed unit. The level of retail and creche provision is as per Table 8.2.4 of the Development Plan. Section 8.2.4.5 of the CDP allows reduced car parking provision in proximity to public transport and the PA concludes that the provision in this instance, is in accordance with the CDP given the sites close proximity to the Luas. The applicant makes a case for reduced provision based on the guidance contained in the Apartment Guidelines 2018 (Section 4.19), experience on similar sites and proximity to Luas / services / employment and the proposal to implement a Travel Plan.

The development site is adjacent to the Stillorgan Luas stop and a planned public transport interchange and is within walking distance of a wide range of land uses including retail, community and employment uses. I would concur with the view of the PA that the proposed car parking provision is acceptable having regard to the provisions of the Development Plan and national policy.

A total of 593 no. cycle parking spaces. The submitted details refer to 463 long term secure cycle parking spaces in the basement (level -1 – ramp 1:47 gradient) and 130 no. short term spaces at various locations through the street level. Section 4.17 of the apartment guidelines specifies a general minimum cycle parking standard of 1 cycle storage space per bedroom and visitor parking at a rate of 1 space per 2 residential units. This would entail a provision of 725 cycle storage spaces and 214 visitor spaces for the scheme. The proposed cycle parking provision complies with the DLR Standard for Cycle Parking and associated Cycle Facilities for New Developments 2018 and is acceptable in my view given the sites proximity to public transport and other services.

11.7.3. Traffic and Transport Impact Assessment

The assessment of traffic impacts detailed in Section 14.5 of the EIAR indicates that there will be an overall decrease in trips relative to the previously approved developments on the site under PA Ref. D07A/0975. The number of trips that the proposed development will have, is compared to those trips that have already been accounted for in the traffic model for the area. An assessment of junctions in the vicinity of the site was also undertaken, in a similar manner to the assessment carried out in support of the previous application PA Ref. D16A/0697. The assessment notes that the NRA Traffic and Transport Assessment Guidelines 2014, indicate that if a development adds more than 10% additional traffic on the local network the impact is considered material even if the local network is not experiencing prolonged congestion. Where the network is experiencing prolonged congestion during peak periods this threshold is reduced to 5%. Table 14.11 of the EIAR shows that of the 5 no. junctions (existing and proposed) in the vicinity of the site the greatest impacts would occur at the Blackthorn Drive / Carmanhall Road / Birch Avenue four-arm signalised junction to the immediate west of the site and at the Carmanhall Road / Blackthorn Road junction to the east of the site in the PM peak. It is argued that the proposed development will contribute negligible additional traffic at these junctions, and at 1.9% for the 2021 PM peak is considerably below the five percent threshold permitted under the NRA guidance. Traffic mitigation measures proposed include the adoption of a Travel Plan to promote alternatives to private car (a draft Travel Plan is Appended to the EIAR), lower car parking and higher cycle parking provision.

I consider that the development will have a limited impact on the established traffic conditions at this suburban location, given its proximity to public high capacity transport services. 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.

11.7.4. Construction Traffic

During the construction stage the site will be accessed via Carmanhall Road. It is submitted that the volume of traffic generated during construction will be lower than that generated by the completed development. The submitted Outline Construction

Management Plan includes a Preliminary Traffic Management Plan. I recommend that a Construction Management Plan addressing traffic management is submitted to and agreed with the PA prior to the commencement of works.

11.7.5. Traffic and Transportation Impacts Conclusion

Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts and that any outstanding issues may be dealt with by condition.

11.8. **Drainage, Flood Risk and Site Services**

11.8.1. Surface Water Drainage

There are no open watercourses in the vicinity of the site but the Carysfort Maretimo stream is culverted at a distance to the south of the site. The storm water drainage network in the vicinity is also connected to the Carysfort Maretimo culvert.

The site is currently served by an existing 600mm diameter surface water sewer on Carmanhall Road. Surface water within the site will be collected in an attenuation tank and reduced to a greenfield equivalent rate of 10.1l/s for the 1% AEP return period before discharging to the public surface water sewer network, connecting to the sewer on Carmanhall Road. It is proposed that all existing connections to the development site will be removed. SUDS measures are proposed to reduce the rate of run off including green roofs, rainwater harvesting and landscaping features. I note that the DL RCC Water Services report identifies possible errors in the drainage calculations provided in the Engineering Report and Drawings. The Drainage Section is however, satisfied that the required level of interception and treatment can be achieved, subject to clarity being provided and that this can be addressed by way of condition.

11.8.2. Flood Risk Assessment

The site is partly within Flood Zone B (CFRAMS flood map refers) associated with a risk of fluvial flooding from the Carysfort Maretimo stream at higher flows. The Planning System and Flood Risk Management – Guidelines for Planning Authorities, DEHLG and OPW (2009) require a systematic approach to flood risk management at each stage in the planning process. Table 3.1 of the guidelines indicate that

residential development is a highly vulnerable development class and Table 3.2 indicates that such development can only be considered in Flood Zone B, where it meets the criteria of the Development Management Justification Test. Appendix 13 of the Development Plan sets out specific policy for the Carysfort Maretimo catchment. It notes that CFRAMS shows flood risk along the majority of the Carysfort Maretimo Stream, being a combination of Flood Zones A and B and covering a range of existing land uses, including open space, residential, office and enterprise. Section 5.3.7 states:

“Where there is existing residential housing and supporting infrastructure, Part 1 and 2 of the Justification Test have been applied and passed and flood risk can be managed through non-structural responses. Future development within Flood Zones A and B should be limited to extensions, changes of use and small scale infill and flood risks can be managed through a site specific FRA, which should include consideration of culvert blockage (where appropriate) and the impact this could have on flood risk at lower return periods.”

The application is accompanied by a Site-Specific Flood Risk Assessment (SSFRA) undertaken by PUNCH Engineering. It notes that the Carysfort Maretimo Stream is extensively culverted in this area. The Flood Zone B within the subject site results from surcharging at a node along the stream identified as MH6 located approximately 650 metres south of the site. The modelled flood waters surcharge at MH6 and flow along the local road network, towards the Sandyford Businesses District via Blackthorn Drive. CFRAMS maps show the site to be subject to floodwater depths of over 2 metres in the 1 in 1000 flood event in the existing unfinished basement. Carmanhall Road to the south of the development was subject to a flood depth of <250mm.

The submitted Site Specific Flood Risk Assessment (SFRA) is based on detailed flood modelling of the Carysfort Maretimo Stream upstream of MH6. The model compares the proposed scenario to a situation prior to the construction of the partially constructed building and basement. It identifies a critical flood level on Carmanhall Road for the 1 in 100-year fluvial event of 84.20 m AOD. It is argued that the model is conservative in its approach. The FFL of the development will be a minimum of 85.05 m AOD and sit above the modelled flood level. While the basements will sit below this level, it is proposed to protect the basement through the

introduction of a ramped access to the basement to prevent inflows of floodwaters. The top of the proposed ramp at the car park entrance is 84.4 AOD. The Development Plan SFRA included a justification test for the zoning of the MIC lands at this location. The applicant has undertaken the Development Management Justification Test.

The report of the DLRCC Drainage Section states in relation to Flood Risk, on the understanding that the applicant has consent to undertake necessary flood mitigation measures on third party lands (and noting the letters of consent submitted with the application from third parties to the inclusion of these lands within the site), the PA is of the opinion that the analysis contained in the PUNCH Engineering Flood Risk Assessment is appropriately detailed and provides sufficient evidence to pass the Development Management Justification Test and that the proposal satisfies the requirements of the DLR CDP (Appendix 13) and the Flood Risk Management Guidelines. I would concur with this view.

11.8.3. Foul Drainage

It is proposed to discharge foul effluent from the proposed development by gravity using a new foul sewer connection, to an existing 375 mm diameter public foul sewer on the southern side of the development, along Carmanhall Road. Details of foul water discharge volumes are provided. I note that the submission of Irish Water states no objection.

11.8.4. Water Supply

It is proposed to connect the sites water supply to an existing 150 mm diameter water main to the south west of the site. The Irish Water response to the pre-connection enquiry indicated that the development can be accommodated without any upgrade to existing infrastructure. These proposals are satisfactory.

11.8.5. Drainage, Flood Risk and Site Services Conclusion

I am satisfied with the proposed foul and surface water drainage and water supply arrangements, subject to conditions.

11.9. Part V

11.9.1. The applicant has submitted Part V proposals comprising the transfer of 43 units or 10% of the proposed units to the planning authority. 3 no. options are presented including on-site provision and off-site provision. A schedule of estimated costs has been submitted. The report on file of DLRCC Housing Dept., states that the proposal is capable of complying with the requirements of Part V of the Planning and Development Act 2000, as amended, the County Development Plan and the Housing Strategy 2016-2022 subject to agreement being reached. It is recommended that a condition be attached in the event of a grant of permission. I recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

11.10. Planning Assessment Conclusion

The development is acceptable in principle with regard to the zoning of the site in the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 and the Sandyford Urban Framework Plan. The housing density and mix are 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. The proposed residential design and layout are generally in accordance with relevant national and local policies on residential development and will provide a satisfactory standard of residential accommodation, while achieving a residential density that reflects the strategic nature of the site and the importance of consolidation on zoned and serviced lands within established urban areas. I am satisfied that the development would not have any significant adverse impacts on visual or residential amenities. 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.

12.0 ENVIRONMENTAL IMPACT ASSESSMENT

12.1. Introduction

The application is accompanied by an Environmental Impact Assessment Report (EIAR). The application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. The application also falls within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged after these regulations come into effect on 1st September 2018.

12.1.1. The development involves a total of 428 residential units, 4 no. retail uses, a creche and other associated developments on a site of 2.02 hectares. The site is located in the Sandyford Business District¹.

12.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and section 172(1)(a) of the Planning and Development Act 2000 (as amended) provides that an EIA is required for infrastructure projects that involve:

- (i) construction of more than 500 dwelling units
- (iv) an area of 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.

Given the site area of 2.02 hectares and the sites location within a business district, the development requires mandatory EIA.

12.1.3. The EIAR is laid out in three documents, the main document, appendices and the non-technical summary. Chapter 1 is an introduction which sets out the relevant legislation and the format and structure of the EIAR as well as outlining the experts involved in preparing the document. Chapter 2 provides a description of the site location and context. Chapter 3 provides a description of the proposed development. Chapter 4 provides detail with regard to the consideration of alternatives. Chapter 19 considers interactions, Chapter 20 provides a summary of mitigation measures and Chapter 21 sets out difficulties encountered.

¹ As defined by the Sandyford Urban Framework Plan.

The likely significant direct and indirect effects on the environment, as set out in Article 3 of the Directive, are considered in Chapters 5-18 under the following headings:

- Archaeology, Architectural and Cultural Heritage
- Population and Human Health
- Biodiversity
- Land, Soils and Geology
- Landscape and Visual Impact
- Daylight and Sunlight
- Hydrology and Hydrogeology
- Air Quality and Climate
- Wind
- Roads, Traffic and Transportation
- Noise and Vibration
- Material Assets – Waste Management
- Material Assets – Site Services – Drainage and Water Supply
- Material Assets – Communications, Electricity and Gas

12.1.4. Article 3 (2) of the Directive requires the consideration of the effects deriving from the vulnerability of the project to risks of major accidents and / or disasters that are relevant to the project concerned. The potential for 'flooding' is considered in Chapter 11 Hydrology. Having regard to the site's location within an urban area, the nature of the receiving environment and the climatic conditions that apply, I consider that the requirements under Article 3(2) are met.

12.1.5. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, prescribed bodies and the observer has been set out at Sections 7, 8 & 9 of this report. The issues

raised are addressed below under the relevant headings, as appropriate, andw in the reasoned conclusion and recommendation including conditions.

- 12.1.6. I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.
- 12.1.7. A number of the environmental issues relevant to this EIA have already been addressed in the Planning Assessment at Section 11.0 of this report. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

12.2. **Consideration of Alternatives**

- 12.2.1. The submitted EIAR outlines the alternatives examined at Chapter 4 (pursuant to Article 5(1)(d) of the 2014 EIAR Directive and Annex IV). The main alternatives studied comprise alternative design solutions and layouts for a largely residential development. The proposal is predicated on the zoning of the site and site-specific policy objectives in relation to plot ratio and density. Given the site's zoning objective alternative locations were not considered. In relation to alternative designs, the iterations of the proposed development are outlined from the original masterplan approved in 2006 under ABP Ref. PL06D.215205 to the development presented in the application. Alternative processes are not relevant to the proposal. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives is comprehensive, provides a justification in environmental terms for the chosen scheme and is in accordance with the requirements of the 2014 EIA Directive.

12.3. **Assessment of Effects**

12.3.1. Archaeology, Architectural and Cultural Heritage

Archaeology, architectural and cultural heritage is addressed in Chapter 5 of the EIAR. The site was developed for industrial purposes in the 1990's. Prior to this the site was in agricultural use. There are no identified archaeological, architectural, landscape or cultural heritage assets within the site or in its immediate vicinity. On

this basis, no direct, indirect or cumulative effects are predicted during the construction or operational phases of the development and mitigation is not considered to be necessary.

I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage. I am satisfied that no potential impacts arise. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect or cumulative impacts in terms of archaeology, architectural and cultural heritage.

12.3.2. Population and Human Health

Chapter 6 of the EIAR addresses population and human health. The potential effects are considered in the context of socio-economic; health and safety; and human health considerations.

The existing environment in the vicinity of the site is urban in character with medium to high density office and employment developments, retail development and residential development. The proposed development is consistent with the pattern of development in the area. The area is identified in the DLR CDP as a primary growth node.

During the construction phase there will be positive economic impacts as a result of employment and economic activity generated by the development. Impacts on health and safety could arise due to increased traffic and the nature of construction activities, however, the risk to population can be mitigated through adherence to health and safety legislation and best practice construction management. Impacts on health and wellbeing arising from effects on air and climate, noise and vibration, landscape and visual, traffic and water during the construction and operational phases are considered and discussed under the respective headings of the EIAR. I am satisfied that the impacts on population and human health during the construction phase will be slight and short-term in nature and that impacts will be mitigated to an acceptable level by the measures detailed in the relevant sections of the EIAR. In terms of cumulative impacts during construction, I would note that there are a number of similar developments permitted or under construction on sites in the vicinity that would have similar impacts (Section 4.0 Planning History refers). I am satisfied that the risks outlined above can be similarly avoided, managed and

mitigated through good construction management practices and that cumulative impacts are not likely to arise.

During the operational phase, the development will provide housing, employment and community facilities close to public transport with the potential for significant positive impacts on population and human health. The design and layout of the proposed development is in accordance with relevant national and local policies and will provide a satisfactory standard of residential accommodation, while the planning assessment above concludes that significant adverse impacts on visual or residential amenities would not arise. I consider that the impact of the scheme will be largely positive and that any potential adverse impacts will be mitigated to an acceptable level by the design and management measures proposed within the scheme. The potential for cumulative impacts during the operational phase is largely positive in my view as the developments is consistent with a wider framework plan for the area.

I have considered all of the written submissions made in relation to population and human health. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of population and human health. I am also satisfied that cumulative effects are not likely to arise.

12.3.3. Biodiversity

Chapter 7 of the EIAR describes the potential impacts on biodiversity. An ecological evaluation and impact assessment is supported by desktop study and field surveys that were undertaken by a suitably qualified ecologist. The site is predominantly composed of hard standing and artificial surfaces with very little vegetation, save for areas of amenity grassland and tree planting.

The impact of the proposed development on European sites is addressed in detail in Section 13.0 of this report. The site does not overlap or adjoin any European or nationally designated sites and the closest sites are in Dublin Bay at a distance of 3.4 km. A potential hydrological pathway between the site and European sites in Dublin Bay is identified due to surface water and foul water connections. However, having regard to the nature and scale of the development and the level of

separation, it is concluded that the proposed development is not likely to have significant effects on any European site, whether considered alone or in combination with other projects.

The only ecological receptor where potential impacts are identified is common bird species. A number of common bird species were noted during survey; however, no breeding or nesting birds were observed. There is potential for some direct impacts on birds and their nests during the construction phase, arising from site clearance works. The potential impacts are not significant in the context of breeding bird populations and can be adequately mitigated. No operational phase impacts are predicted.

In terms of cumulative impacts, it is noted that the potential impacts would not be significant in the context of breeding bird populations, and as such I am satisfied that the issue of cumulative impacts does not arise.

I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity. I am also satisfied that cumulative effects are not likely to arise.

12.3.4. Land and Soils

Chapter 8 of the EIAR describes the potential impacts on land and soils. The development involves the construction of a multi storey building over a part constructed basement and ground floor slab, excavation for services, public realm / landscaping works and service works below the proposed basement.

Likely significant impacts on land are soil are not envisaged. During the construction phase the main risks to underlying subsurface strata are from the stripping of topsoil, excavation of subsoil layers and accidental leaks or spillages of contaminating substances. During the operational phase risks are again related to accidental leaks or spillages from contaminants e.g. from car parks.

In terms of mitigation, materials and substances that could contaminate land and soil will be handled and stored in a manner that will prevent or minimise potential impacts as detailed in Section 8.5.1.5 of the EIAR. This will include the use of bunded

storage areas, designated areas for vehicle refuelling, wet concrete management and the use of oil interceptors. During the operational phase all drainage from the basement car park will be collected and passed through a fuel interceptor, prior to discharge to the local surface water network.

In terms of cumulative impacts on land and soil, I would note that there are a number of similar developments permitted or under construction on sites in the vicinity that would carry similar risks. I am satisfied that the risks outlined above can be similarly avoided, managed and mitigated through good construction management practices and that cumulative impacts are not likely to arise.

I have considered all of the written submissions made in relation to land and soil and the relevant contents of the file including the EIAR. I am satisfied that impacts identified on land and soil would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soil. I am also satisfied that cumulative effects are not likely to arise.

12.3.5. Landscape and Visual Impact

Chapter 9 of the EIAR describe the landscape and visual effects of the proposed development. The likely significant landscape and visual impacts have been described and assessed under the planning assessment in Section 11.3 above (Building Height and Visual Impact) and are summarised below.

The site is currently vacant and comprises a partly constructed underground basement car park that is surrounded by hoarding on all sides. Within the wider area there are 6-10 storey residential and commercial blocks to the north, a partly completed 6-14 storey building to the west and permission is granted for a 5-14 storey over basement development to the east. The proposed 5–14 storey building height is generally in keeping with this context. The proposed development would change the character of the site from unfinished to urban. The photomontages submitted show that the development will be viewed as part of a composition of higher buildings including the existing Sentinel building.

Negative visual effects are likely to arise during the construction phase due to construction activities, but these will be localised and short-term in nature. In the

medium to long term impacts would be positive, in my view, as the development will sit within the established context of 5-14 storey buildings in the area. Cumulative visual impacts may arise given the sites proximity to the approved development on the 'Tivway' site to the east. The submitted drawings detail the contiguous elevations and I consider the potential cumulative impacts to be positive.

I have considered all of the written submissions made in relation to Landscape and Visual Impact. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Landscape and Visual Impact. I am also satisfied that any cumulative effects arising would be positive.

12.3.6. Climate and Microclimate

Sunlight and Daylight

Chapter 10 of the EIAR describes the potential impacts on sunlight access and overshadowing on the receiving environment. The likely significant impacts on sunlight and daylight have been described and assessed under the planning assessment in Section 11.6 above (Impacts on Residential Amenity) and are summarised below.

The receiving environment includes two mixed use commercial and residential courtyard blocks of 6-10 storeys to the immediate north / north west of the site and a partly completed office building (Sentinel building) of 6-14 storeys to the west. The Beacon South Quarter mixed use retail, commercial and residential development is to the south on the southern side of Carmanhall road. The site to the immediate east is an undeveloped brownfield site with an extant permission for a 5-14 storey residential development.

The potential 'sunlight' impacts are assessed using a 3D digital model. Shadow Diagrams (Appendix 10.1) indicate that the impact of the development is largely contained within the 'Rockbrook' site with most impacts on Blocks A and D to the north. The assessment concludes that the potential impact of the proposed development is likely to be consistent with emerging trends for development in the area or 'moderate' in extent. The same conclusion is reached in respect of

cumulative impact when the approved scheme on the adjoining 'Tivway' site to the east is considered. The impact is similar to or less than that of the parent permission granted in 2006 on the site (PA Ref. D05A/1159 and ABP Ref. PL06D.215205) and is an improvement on a scheme refused in 2016 on the site (ABP Ref. PL06D.248397). It is anticipated that the proposed scheme would improve the shadow environment of the adjacent 'Tivway' site relative to the parent permission due to the inclusion of a courtyard along the eastern boundary.

The potential 'daylight' impacts on neighbouring buildings is measured using Vertical Sky Component to sample windows in the existing buildings. It indicates that the proposed development has the potential to reduce daylight access to windows in buildings opposing the application site at close proximity – namely Blocks A and D within the Rockbrook Site and windows in the Beacon South Quarter facing north. The analysis concludes that the potential impact on daylight is consistent with emerging trends for development or "moderate" in extent. The impacts would not surpass those of the parent permission granted in 2006 and are improved on the permission refused in 2016. The same conclusion is reached in respect of the cumulative impacts arising from the construction of the proposed development and the approved residential scheme on the adjoining 'Tivway' site to the east.

The level of impact arising is moderate in extent and are similar to or reduced when compared against the parent permission for 6 no. blocks. The iterations of the scheme detailed in Chapter 4 of the EIAR show that the proposed design has been amended to mitigate sunlight and daylight impacts. I note that it has not been possible to exclude entirely impacts particularly for existing blocks that are due north of and in close proximity to the proposed development, while maintaining frontage along Carmanhall Road to the south. I am of the view that the level of impact to most receptors is acceptable, particularly in the context of a high-density urban environment, and would not constitute reasonable grounds for refusing planning permission.

Air Quality and Climate

Chapter 12 deals with Air Quality and Climate. The greatest potential for impact to air during the construction phase of the development is from dust, PM10 and PM2.5 emissions. These impacts can be mitigated through good construction practices, as set out in Section 12.6.1 of the EIAR, and would be short-term and negligible in my

view. In terms of climate there is potential for greenhouse gas emissions associated with the use of construction vehicles, generators etc, but given the scale of the development it is considered that impacts would be negligible and short-term during construction. The primary source of air and climatic emissions during the operational phase would be from traffic related emissions. In the local area this may arise from changes to traffic flow / congestion. It is considered that the impacts would be long-term but imperceptible.

Given the nature and scale of the development proposed, I am satisfied that no significant impacts arise in respect of air and climate during construction and occupation phases.

Wind

Chapter 13 of the EIAR addresses the potential impacts and associated likely effects of the proposed development on the local wind microclimate. The background wind environment is generally windy (compared to other large cities). The baseline results showed windy conditions throughout the site and surrounding area. There were particularly windy conditions at the south west corner of the site, as well as uncomfortable conditions on and off-site. Strong winds that represent a safety concern were also identified. These conditions already exist and are not caused by the propose development.

It is considered that impacts on the wind environment during the construction phase would be negligible initially, increasing to moderate as the development moves into the latter stages of construction. During occupation / on completion, the proposed development would improve wind conditions throughout the site by providing additional shelter. Locations to the south west, while still windy, saw calmer wind conditions with the proposed development. Some areas had an increase in wind speed with the proposed development. Wind impacts will be mitigated to an acceptable level during the construction and operational phases through the proposed mitigation measures which include landscaping features, screens and use of winter gardens for some units.

Climate and Microclimate Conclusion

I have considered all of the written submissions made in relation to Climate and Microclimate. I am satisfied that the identified impacts in relation to Climate and

Microclimate would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms Climate and Microclimate. I am also satisfied that cumulative effects are not likely to arise.

12.3.7. Noise and Vibration

Chapter 15 of the EIAR addresses Noise and Vibration impacts. The existing noise climate in the area is dominated by road traffic and urban activities. During the construction phase there is potential for impacts arising from construction activities and associated traffic movements. The EIAR indicates that noise control measures will be applied during the construction phase (inc. limited and hours of operation) to ensure that noise and vibration impact is kept to a minimum. During the operational phase, no significant sources of noise or vibration are anticipated. There is the potential for noise emissions from mechanical plant services located on the 12th floor that would exceed the recommended night-time noise standard of 45dB. Section 15.6.2 of the EIAR sets out mitigation measures to reduce the noise emissions from plant below the acceptable night-time standard and I am satisfied that any risks can be addressed by way of condition. No cumulative impacts are anticipated.

I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration. I am also satisfied that cumulative effects are not likely to arise.

12.3.8. Hydrology and Hydrogeology

Chapter 11 of the EIAR deals with water. In relation to the receiving environment, the EIAR notes that the area is served by public foul sewers and watermains and that there are no watercourses in the immediate vicinity of the site.

During the construction phase there is potential for contaminants to enter ground and surface water systems and impact on the natural water environment. Best practice

measures will be implemented during the construction phase to avoid / mitigate potential impacts.

The potential impacts arising from the proposed development during the operational phase relate to water demand, wastewater flows, surface water drainage flows and flood waters. Irish Water indicate that connections to foul and water networks are feasible. Surface water will be managed to greenfield levels by use of on-site SuDS and storage features and run off from car parks will run through interceptors to remove any potential contaminants. Groundwater was not encountered during site investigations and GIS data indicates that ground water vulnerability is moderate at this location. No impacts are anticipated. There is a potential flood risk on the site and the application is accompanied by a Site-Specific Flood Risk Assessment, which is considered in detail in Section 11.8 of the planning assessment. It is proposed to manage flood risk through design mitigation which is considered to be acceptable in the context of the Flood Risk Management Guidelines.

In terms of cumulative impacts on water, I would note that there are a number of similar developments permitted or under construction on sites in the vicinity that would carry similar risks. I am satisfied that the risks outlined above can be similarly avoided, managed and mitigated through good design / construction management practices and that cumulative impacts are not likely to arise.

I have considered all of the written submissions made in relation to water. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of water. I am also satisfied that cumulative effects are not likely to arise.

12.3.9. Material Assets

Roads, Traffic and Transportation

Roads, Traffic and Transportation effects are considered in Chapter 14 of the EIAR. The site is located in an urban area and is served by the local road network and by bus and Luas services. Traffic and transportation is assessed in detail in Section 11.7 of this report and is summarised below.

During the construction phase traffic volumes accessing the site will be small compared to the volumes during the operational phase and no significant impacts are envisaged.

The assessment of impacts during the operational phase is considered in the context of the traffic model for the district that was developed to support the preparation of the SUFP and assumed that previous permissions on this site would be implemented. I note that the subject proposal would have a reduced impact. Junction impact assessment was undertaken for five junctions in the vicinity of the site. It is concluded that the proposed development will contribute negligible additional traffic at these junctions during the operational phase (1.9% for 2021). Traffic mitigation measures proposed include the adoption of a travel plan to promote alternatives to private car (a draft Travel Plan is Appended to the EIAR) and the provision of cycle parking.

I consider that the development will have a limited impact on the established traffic conditions at this suburban location. The site has proximity to high capacity public transport services (Luas and Bus) and large-scale employment within the Sandyford Business District. I am satisfied that any negative impacts arising from increased traffic movements would be offset by the site's proximity to public transport and employment.

In terms of cumulative impacts, I would note that there are a number of similar developments permitted or under construction on sites in the vicinity that would carry similar impacts. I am satisfied that the benefits associated with access to public transport and employment would outweigh any negative environmental impacts and that negative impacts will be avoided, managed and mitigated through the mobility management initiatives detailed in the submitted Travel Plan (EIAR Appendix 14.4).

I have considered all of the written submissions made in relation to roads, traffic and transportation. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of roads, traffic and transportation. I am also satisfied that cumulative effects are not likely to arise.

Waste Management

The relevant section of the EIAR is Chapter 16. The proposed development would generate typical construction and demolition waste during the construction phase. The submitted Outline Construction & Demolition Waste Management Plan sets out provisions for the management of waste generated during the construction phase. The effects on the environment will be short-term and neutral. During the operational phase waste will be generated from residential and commercial uses on site. The waste will be primarily domestic in nature and will be managed in accordance with an Operational Waste Management Plan. Dedicated waste storage areas are provided within the commercial units and in communal storage areas at basement level for residential units and will be collected by permitted waste contractors for off-site re-use, recycling, recovery and / or disposal. Mitigation measures for waste management are set out in Section 16.6 of the EIAR. No significant impacts or communal impacts are anticipated.

Foul and Surface Water

The relevant section of the EIAR is Chapter 17. The EIAR considers the potential for impacts on potable water supply infrastructure, wastewater infrastructure and surface water drainage infrastructure. During the construction phase there is potential for impacts to existing services due to works in the vicinity, with the proposed development including new build service infrastructure that is designed in accordance with the relevant service providers requirements. Subject to mitigation measures to protect underground services (as detailed in Section 17.6.2) no significant impacts are anticipated. During the operational phase positive impacts would arise from additional permanent infrastructure being provided in ground to service the development. No significant negative impacts, direct, indirect or cumulative are anticipated.

Communications, Electricity and Gas

The relevant section of the EIAR is Chapter 18. The EIAR considers the potential for impacts on ESB and GAS networks, EIR and Virgin Media services that are present in the area.

During the construction phase there is potential for disruption due to diversions or connections. Increased usage would arise in the operational phase. There is no

expected disruption to media services. All connections and diversions to gas, electric and telecommunications networks will be coordinated with the relevant utility provider and carried out by approved contractors. No significant negative impacts, direct, indirect or cumulative are anticipated.

Material Assets Conclusion

I have considered all of the written submissions made in relation to material assets. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets. I am also satisfied that cumulative effects are not likely to arise.

12.4. Interactions between Environmental Factors

12.4.1. Section 19 of the EIAR deals with the interactions between environmental factors. A specific section on interactions is included in each of the environmental topic chapters of the EIAR. The primary interactions are summarised in the EIAR as follows:

- Population and traffic,
- Population, air quality and climate,
- Population, landscape and visual impact,
- Population and hydrology,
- Noise, traffic and population,
- Air quality and traffic,
- Biodiversity and landscape,
- Land, soil and traffic,
- Land, soil, water and hydrology,
- Land and soils and noise and vibration,
- Land, soils and air quality,
- Site services and hydrology,
- Hydrology and biodiversity,

- Hydrology and site services,
- Site services and land and soils.

12.4.2. The various interactions have been described in the EIAR and have been considered in the course of this EIA.

12.5. Reasoned Conclusion on the Significant Effects

12.5.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population due to the increase in the housing stock.
- A direct effect on sunlight and daylight which could interact with human health. I am of the view that the impacts would be moderate in extent.
- A direct effect on the landscape by the change in the use and appearance of a relatively large site from brownfield / unfished to residential and commercial. Given the location of the site within the built-up metropolitan area of Dublin this is considered a direct positive effect on the receiving environment.
- Potential effects arising from noise and vibration and air during construction. These effects will be short-term in nature and will be mitigated by measures outlined in the relevant section of the EIAR.
- Potential indirect effects on water during construction and operational phases which will be mitigated through construction management and by the proposed surface water management and attenuation system with respect to stormwater runoff, the drainage of foul effluent to the public foul sewerage system, and flood mitigation measures and which will be mitigated during construction by appropriate management measures.

- 12.5.2. The proposed development is not likely to have adverse effects on population, biodiversity, land and soil, material assets and cultural heritage. Further it is not likely to increase the risk of natural disaster.
- 12.5.3. The likely environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. While moderate long-term negative impacts are likely to arise as a result of daylight and sunlight impacts during the operational phase, I consider that the positive impacts of the development outweigh any negative impacts arising. The environmental impacts identified are not significant and would not require or justify refusing permission for the proposed development or require substantial amendments to it.

13.0 Appropriate Assessment Screening

- 13.1.1. The application is accompanied by an AA Screening Report. It provides information on and assesses the potential for the proposed development to significantly affect European sites. AA is required if likely significant effects on European sites arising from the proposed development, either alone or in combination with other plans or projects, cannot be ruled out at the screening stage. The report describes the site and the proposed development and considers the potential for impacts on the qualifying interests of European sites. In addition to the AA Screening Report, I have referenced the EIAR, Engineering Reports and other documentation submitted with the application.

Description of the Development and the Site

- 13.1.2. Permission is sought for a mixed-use urban development of 428 no. apartments with associated retail and community uses over basement level car and bicycle parking. The site, with a stated area of 2.02ha, is located within the Sandyford Business District (former industrial estate). It consists of artificial surfaces and areas of hard standing. Surface water runoff and foul effluent will discharge to the existing public drainage networks and the development will connect to the public water supply, thereby limiting the potential for impacts on water quality.

Zone of Influence

13.1.3. The site is not within or necessary to the management of a European site. The development has a potential impact pathway to European Sites within Dublin Bay via the surface water and foul water networks. Surface water from the development will discharge to the Carysfort Maretime stream (referred to in EPA Datasets as the Carrickmines 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. There are no species or habitats of conservation significance within or in the immediate environs of the site.

13.1.4. In view of the potential hydrological connection to sites within Dublin Bay, I consider that the potential for effects on sites within the Dublin Bay coastal waterbody need to be considered at the Screening Stage. There are no hydrological or ecological pathways to any other European sites (including the following sites that fall within a 15 km radius: Wicklow Mountains SAC and SPA (c. 6.5 km), Knocksink Wood SAC (c. 7.3 km), Ballyman Glen SAC (c. 8.4 km), Glenasmole Valley SAC (c. 10.2 km), Bray Head SAC (c. 12.3 km) and Wicklow Mountains SPA (c. 6.6 km)) due to the separation distances involved and the absence of any hydrological or other potential impact pathways. I am, therefore, satisfied that likely significant impacts can be excluded in respect of all other European Sites at the preliminary stage.

13.1.5. Potential Effects on Designated Sites

13.1.6. There are 10 no. European sites that are downstream of the proposed development as follows:

| Site Name (Site Code) | Distance to Development Site | Qualifying Interests |
|----------------------------------|------------------------------|--|
| South Dublin Bay SAC (000210) | 3.4 km (approx.) | 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] Embryonic shifting dunes [2110] |

| | | |
|---|-------------------|--|
| Rockabill to Dalkey Island SAC (003000) | 8.1 km (approx.) | Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351] |
| North Dublin Bay SAC (000206) | 8.4 km (approx.) | Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395] |
| Howth Head SAC (000202) | 12.5 km (approx.) | Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030] |
| Baldoyle Bay SAC (000199) | 14.1 km (approx.) | 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] |
| South Dublin Bay and River Tolka Estuary SPA (004024) | 3.4 km (approx.) | Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] |

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| | | <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p> |
| <p>Dalkey Islands SPA (Site Code 004172);</p> | <p>7.8 km (approx.)</p> | <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> |
| <p>North Bull Island SPA (Site Code 004006);</p> | <p>8.4 km (approx.)</p> | <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p> |

| | | |
|--|-------------------|---|
| Howth Head Coast SPA (Site Code 004113). | 14 km (approx.) | Kittiwake (<i>Rissa tridactyla</i>) [A188] |
| Baldoyle Bay SPA (Site Code:004016) | 14.1 km (approx.) | Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Wetland and Waterbirds [A999] |

13.1.7. I am satisfied that the potential for significant effects on the qualifying interests of the European sites listed above as a result of surface water run off can be excluded. This conclusion is based on the fact that the nature of any discharges during the construction phase is temporary, the fact that there will be no significant increase in surface water run-off during the operational phase and that surface water run-off will be attenuated and part treated within the site. Should a pollution event occur during the construction phase due to the accidental spillage or release of contaminants this would not be of such magnitude so as to have a significant adverse effect on downstream water quality in Dublin Bay due to the level of separation and the dilution arising from the volume of water between the sites. I would also note that the EPA in 2018 classified water quality in Dublin Bay as 'unpolluted'. The potential for significant effects on the qualifying interests of the European sites listed above as a result of foul waters generated during the operational stage can be excluded. This conclusion is based on the fact that: foul waters will discharge to the existing foul water network and will travel to Ringsend WWTP for treatment prior to discharge to Dublin Bay; the Ringsend WWTP is required to operate under EPA licence and meet environmental standards, further upgrade is planned and the foul discharge from the proposed development would equate to a very small percentage of the overall licenced discharge at Ringsend WWTP, and thus would not impact on the overall water quality within Dublin Bay. There is no potential for impacts on the qualifying interests due to noise and other disturbance impacts during construction and

operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

13.1.8. In Combination or Cumulative Effects

The potential for in combination impacts can also be excluded. I base my judgement on the following:

- 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;
- At the time of writing there 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.

I conclude that the proposed development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly or in combination with other plans and projects. This conclusion is consistent with the appropriate assessment screening report submitted with the application.

AA Screening Conclusion

It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed

development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 000210 (South Dublin Bay SAC), European Site No. 003000 (Rockabill to Dalkey Island SAC), European Site No. 000206 (North Dublin Bay SAC), European Site No. 000202 (Howth Head SAC), European Site No. 000199 (Baldoyle Bay SAC), European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004172 (Dalkey Island SPA), European Site No. 004006 (North Bull Island SPA), European Site NO. 004113 (Howth Head Coast SPA), European Site No. 004016 (Baldoyle Bay SPA) or any European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

14.0 Recommendation

14.1. 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.

15.0 Reasons and Considerations

Having regard to the following:

1. The location of the site in the established urban area of Sandyford and adjacent to the Stillorgan Luas stop;
2. The policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Sandyford Urban Framework Plan 2016-2022;
3. The Rebuilding Ireland Action Plan for Housing and Homelessness;
4. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
5. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018;
6. The Design Manual for Urban Roads and Streets (DMURS);

7. The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
8. The pattern of existing and permitted development in the area;
9. The planning history within the area,
10. The submissions and observations received, and
11. The Inspector's report.

It is considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 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 period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.

Reason: In the interests of proper planning and sustainable development.

3.
 - (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.
 - (b) Not more than 75 no. residential units, excluding studio and 1-bed units, shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed.

Reason: To ensure the timely provision of services and facilities, for the benefit of the occupants of the proposed dwellings.

4. All mitigation measures identified in Chapter 20 of the EIAR, in the Flood Risk Assessment and in other particulars submitted with the application shall be implemented in full by the applicant except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and to protect the environment during the construction and operational phases of the development.

5. The proposed development shall be amended as follows:
 - (a) The balconies serving unit type 11 shall have a minimum depth of 1.5 metres.
 - (b) A design measure shall be put in place to safeguard the privacy of the bedrooms of unit no. 1206 and 1306 located along external terraces serving other units.
 - (c) Lifts serving the basement car parking levels shall be suitably sized to accommodate bicycles and buggies.

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 order to comply with the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities.

6. The applicant shall submit the following to the Planning Authority for agreement prior to the commencement of development:
 - (a) Details of the materials, colours and textures of all the external finishes to the proposed dwellings.
 - (b) Details of all signage and shopfronts associated with the development.
 - (c) Full details of wayfinding through the site including details of access to the public lifts which should include hours of operation.
 - (d) Details for the provision of 24 hour access to the public realm areas and basement level car parking detailed on the submitted plans and particulars.

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

7. 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.

8.
 - (a) Commercial units shall not be amalgamated or subdivided, unless authorised by a further grant of planning permission.
 - (b) No external security shutters shall be erected for any of the commercial premises (other than at services access points) unless authorized by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To prevent unauthorized development.

9. Prior to the occupation of the development, the applicant shall submit a Community Facility Strategy for the written agreement of the planning authority. The Strategy shall set out how the multi-purpose room at ground level will be managed to offer space for exclusive use by local voluntary community groups or clubs on a sessional basis for a minimum of six hours per week, with one session scheduled for the evening time. The multi-purpose room shall be offered as a community facility on a sessional basis in accordance with the agreed 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 area and in accordance with the Sandyford Urban Framework Plan 2016-2022.

10. (a) The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
- (i) Final details of roads and traffic arrangements serving the site (including signage).
 - (ii) Full details of development works at the interface with the public realm at Carmanhall Road and Blackthorn Drive. All works to public roads / footpaths shall be completed to taking in charge standards and shall be to the satisfaction of the Planning Authority.
 - (iii) A Stage 2 Quality Audit (inc. Road Safety Audit, Access Audit, Cycle Audit and Walking Audit) that accords to DMRUS and TII standards.
 - (iv) Full details of cycle parking facilities with provisions for direct and unobstructed access to all cycle parking spaces.
- (b) Within 6 months of substantial completion of the development a Stage 3 Quality Audit (inc. Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), of the constructed development shall be submitted to the planning authority for approval.

- (c) At least one car parking space shall be allocated to each residential unit within the scheme. Car parking spaces shall be sold off in conjunction with the units and shall not be sold or let separately, or let, to avoid non-take-up by residents. Prior to the commencement of development, the applicant shall submit a layout plan for the written agreement of the planning authority showing which parking spaces are allocated to individual numbered units and to visitor parking.
- (d) One car parking space per ten residential units shall have a functional electric vehicle charging point.
- (e) Clearly designated spaces for car share use shall be provided.

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

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

- 11. A Mobility Management Plan for the development, that accords with the detail outlined in the Draft Travel Plan submitted with the application, shall be submitted for the written agreement of the planning authority prior to the commencement of development and the commitments contained therein, shall be complied with during the operational phase of the development.

Reason: In the interests of sustainable travel.

- 12. (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) The applicant shall submit the following details to the planning authority for its written agreement prior to the commencement of development:
 - (i) Revised surface water drainage calculations and attenuation details (where required) to meet the surface water storage requirements of the development.

- (ii) Details of hydrobrake, to include head/flow relationship or alternative provisions that meet the design parameters being used.
- (iii) Stage 2 – Detailed Design Stage Stormwater Audit.
- (iv) Details of the proposed green roof types, a construction plan and a post construction maintenance and management plan.

Surface water drainage works shall be carried out in accordance with the agreed details and the green roofs shall be managed and maintained in accordance with the agreed post-construction maintenance plan.

- (c) Within 6 months of substantial completion of the development a Stage 3 Completion Stage Stormwater Audit, to demonstrate that SuDS measures have been installed and are working as designed and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for approval.

Reason: In the interest of public health and surface water management.

- 13. All foul sewage and soiled water shall be discharged to the public foul sewer. Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

- 14. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the proposed development. Confirmation that this company has been set up shall be

submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

15. 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 amenity of property in the vicinity and the visual amenity of the area.

16. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

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

Reason: In the interests of visual and residential amenity.

18. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

19. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the proposed development or each phase of development and any plants that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

20. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be 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.

Reason: In the interest of sustainable waste management.

21. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation

and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

22. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1700 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

23. The construction of the 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 a traffic management plan, hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

24. The site development and construction works shall be carried out such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

25. Prior to the commencement of the development the applicant shall contact the Irish Aviation Authority in relation to all crane operations, with a minimum of 30 days prior notification of their erection. Details of a suitable marking and lighting scheme as agreed with the Irish Aviation Authority shall be submitted to the planning authority prior to the commencement of construction. Additional information regarding crane type (tower, mobile), elevation of the highest point of crane, dimensions of crane, ground elevation and location co-ordinate shall also be required by the Authority to allow for an aviation safety assessment.

Reason: In the interests of clarity and proper planning and sustainable development of the area.

26. The applicant shall comply with the following requirements of Transport Infrastructure Ireland:

The applicant shall ensure that there is no adverse impact on Luas operation and safety. The development shall comply with TII's 'Code of Engineering Practice for Works on, Near or Adjacent to the Luas Light Rail System'.

In this regard the Construction Management Plan shall identify mitigation measures for existing operational Luas infrastructure and the provision of same shall be agreed with the Planning Authority in consultation with the TII prior to any works taking place on site.

Reason: To protect the Luas and public safety.

27. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an

agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

29. 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.

30. 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.

Karen Kenny
Senior Planning Inspector
2nd August 2018