



An
Bord
Pleanála

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

Inspector's Report ABP-304590-19

Strategic Housing Development	116 No. apartments and associated site works. The proposed development affects a protected structure
Location	Walled Garden, Gort Mhuire, Dundrum, Dublin 14
Planning Authority	Dún Laoghaire-Rathdown County Council
Applicant	Crekav Trading GP Limited
Prescribed Bodies	<ol style="list-style-type: none">1. Department of Culture, Heritage and the Gaeltacht2. An Taisce3. Dún Laoghaire-Rathdown County Childcare Committee4. Transport Infrastructure Ireland5. Irish Water

Observer(s)

1. Wyckham Place OMC and Wyckham Point OMC
2. Ludford Area Residents Association
3. Eoghan Ó Ceannabháin

Date of Site Inspection 31st July 2019

Inspector Niall Haverty

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site of the proposed development has a stated area of c. 1.09 ha and is located at the eastern end of Wyckham Place¹, a cul de sac off Wyckham Way (R826), in Dundrum, Dublin 14. The site comprises a disused walled garden with derelict outbuildings at its south-eastern end which appear to date from the 1830's and which form part of a protected structure. It appears that the walled garden and outbuildings were formerly part of the curtilage of Gort Mhuire, a protected structure located to the south east, which is in separate ownership and which is currently in use as a nursing home.
- 2.2. The stone walls that surround the walled garden, and which form the northern, western and eastern boundaries of the site are c. 4 metres high and are relatively intact. The outbuildings are in a poor state of repair and have no roof. The site is overgrown with vegetation, trees and scrub and there are considerable amounts of waste material/rubbish deposited across it.
- 2.3. The application site is bounded to the east and north by lands associated with St. Tiernan's Community School, upon which permission has recently been granted for a primary school (Ref. ABP-303041-18), to the west by a narrow laneway and 3 No. single storey houses for the travelling community, and to the south by the Gort Mhuire complex.
- 2.4. Wyckham Place presently serves two existing apartment complexes (Wyckham Place and Wyckham Point), 3 No. houses for the travelling community, the application site and the Gort Mhuire complex. The laneway to the west of the site links Wyckham Place to the grounds of St Tiernan's Community School.

¹ The Board should note that this cul de sac road is also referred to as Wyckham Avenue in some documentation.

2.5. The site is located c. 850m from Dundrum Town Centre and 900m from the Balally Green Line Luas stop. The surrounding area is generally in residential or educational use, with a mix of two storey housing and more recent apartment developments. The closest apartment developments to the west, Wyckham Point and Wyckham Place, range in height from 5 – 8 storeys.

3.0 Proposed Strategic Housing Development

3.1 Overview

3.1.1. The proposed development comprises the following:

- 4 No. 5 storey apartment blocks to provide 116 No. residential units, comprising 40 No. 1 bed apartments (ranging from c. 46 sq m to 50.4 sq m), 76 No. 2 bed apartments (ranging from c. 79 sq m to 86 sq m) and associated balconies and terraces.
- 36 No. car parking spaces, 4 No. motorcycle spaces, 257 No. residents bicycle parking spaces and 54 No. visitor bicycle parking spaces.
- c. 2,149 sq m of public open space, including a play area, seating courts and pond features.
- Renovation of outbuildings to include, inter alia, a concierge office (c. 42 sq m), gym (c. 64 sq m) and media suite (c. 69 sq m).
- Pedestrian and vehicular access from Wyckham Place to the south.
- ESB substation and metering room, plant areas, bin storage, surface water attenuation tank and all other site development works and site services.

3.1.2. The 4 No. proposed apartment blocks are arranged around a landscaped courtyard within the walled garden, with communal facilities located within the restored outbuildings to the south. 13 No. car parking spaces would be located within the walled garden, with the remainder located to the south, between the site entrance and the opening to the walled garden.

3.2. Key Figures

Site Area	1.089 ha
No. of units	116 apartments
Density	Gross: 106.5 units/ha Net (minus public open space): 132.6 units/ha
Plot ratio	0.94
Site coverage	29%
Height	5 storeys
No. with dual aspect	84 (72%)
Public open space	2,149 sq m (19.7%)
Communal open space	2,578 sq m
Part V	11 No. units (7 No. 1-bed and 4 No. 2-bed)
Vehicular access	From Wyckham Place (south)
Car parking	36 No. car spaces (incl. 5 No. car sharing club spaces) and 4 No. motorcycle spaces
Bicycle parking	311 No. spaces (257 for residents and 54 for visitors)

Unit Mix				
Apartment Type	1 bed	2 bed	3+ bed	Total
No. of apartments	40	76	-	116
As % of Total	34%	66%	-	100%

3.3. Documentation Submitted

3.3.1. In addition to the drawings, application form and notices, the application was accompanied by, inter alia, the following reports and documentation:

- Cover letter.
- Notice of entry of Vacant Sites Register.
- Letter of consent.
- Copy of letters to statutory consultees.
- Statement of Consistency.
- Planning Report.
- Creche Assessment.
- Statement of Response to Pre-application Opinion.
- EIA Screening.
- Housing Quality Assessment.
- Materials and Detailing Statement.
- Architectural Design Statement.
- Irish Water letters regarding pre-connection enquiry and design submission response.
- Part V details, including Schedule of Accommodation and approximate cost and letter from DLRCC.
- Arboricultural Report and drawings.
- Operational Waste Management Plan.
- Walled Garden Conservation Report.
- Stable Yard Conservation Report.
- Photographic schedule of condition for walled garden.
- Architectural Visualisation photomontages.
- Landscape report and drawings.
- Appropriate Assessment Screening.
- Ecological Impact Assessment.
- Outline Construction Environmental Management Plan.

- Landscape and Visual Appraisal.
- Fire Safety and Access & Use Strategy.
- Construction Management Plan.
- Structural Report on boundary wall and existing buildings.
- Civil infrastructure report.
- Traffic Impact Assessment
- Parking and Mobility Study.
- Energy & Sustainability Report.
- Daylight and Sunlight Report.
- Building Life Cycle Report.
- Estate and Common Area Management Strategy.

4.0 Planning History

4.1. Application Site

4.1.1. PL06D.246252 (Reg. Ref. D15A/0772)

4.1.2. Permission refused in 2016, following a first party appeal, for a residential development comprising 108 No. apartments and refurbishment of the existing walled complex to provide 6 No. duplex unit and associated site development works.

4.1.3. The Board's reasons for refusal were as follows:

1. It is considered that the proposed development, by reason of the monolithic nature of its design, and by reason of its height orientation, scale, and massing on a constrained site, would constitute significant overdevelopment of a site of particular heritage sensitivity, would result in a poor quality layout which would be substandard in amenity, and in particular in terms of the provision and layout of communal amenity space for the new residential units, and would cause unacceptable overbearing impacts on the existing elements of a protected structure on this site. The proposed development would, therefore, conflict with the provisions of the development plan, would

adversely impact on residential amenity, would provide a poor quality of residential amenity for future residents, would seriously injure the residential and other amenity of the area and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proximity of the proposed apartment blocks to the garden walls on the site which form part of protected structure listed in the Record of Protected Structures in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 (RPS Number 1453), to their adverse overbearing and visual impacts in terms of the scale, height, massing and alignment of the development relative to the designated features of the protected structure on this site, as well as the overbearing impact on the farm building complex, the potential adverse impacts on the integrity of this structure arising from proposed excavation works, it is considered that the proposed development would significantly impact on the special character and appearance of the protected structure on this site, would be incompatible with the special interest of the protected structure, would detract from their significance and value and would adversely affect their setting and amenity. The proposal would not, therefore, be in accordance with the proper planning and sustainable development of the area.

4.1.4. **Reg. Ref. D06A/1588**

- 4.1.5. Permission was granted in 2007 for 47 No. houses, comprising 40 No. mews type houses and 7 No. units within the refurbished farm building complex. An extension of duration of this permission was granted under Ref. D06A/1588/E to July 2017, however the permission was not implemented.

4.1.6. **Vacant Sites Register (Ref. VS-0020)**

- 4.1.7. Dún Laoghaire-Rathdown County Council notified Crekav Trading GP Ltd. on the 20th December 2018 that the application site has been entered on the Vacant Sites Register.

4.2. **Surrounding Area**

4.2.1. **ABP-304320-19 (Reg. Ref. D18A/0979)**

4.2.2. Permission was granted in August 2019 for an all-weather playing facility on a site at St Tiernan's Community School.

4.2.3. **ABP-303041-18 (Reg. Ref. D18A/0865)**

4.2.4. Permission was granted in June 2019 for development comprising a two storey, 16 classroom primary school building, ancillary facilities and a two storey sports facility on a site adjacent to St Tiernan's Community School. The development proposed a new temporary vehicular entrance onto Wyckham Way at the north western site boundary to facilitate one way left turning movements from the site, however this was omitted by the Board by way of condition. Condition 8 relates to protection of the Walled Garden boundary wall.

5.0 Section 5 Pre-Application Consultation

5.1. Pre-Application Consultation ABP-303826-19

5.1.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 3rd April 2019 and a Notice of Pre-Application Consultation Opinion issued within the required period (Ref. No. ABP-303826-19). An Bord Pleanála issued notification that it was of the opinion that the documents submitted with the request to enter into consultations, constituted a reasonable basis for an application for strategic housing development.

5.1.2. The prospective applicant was advised that the following specific information was required with any application for permission:

- A detailed landscape plan to address appropriate pedestrian permeability and connectivity within the development site following natural desire lines to apartment entrances and amenities and recreational facilities within the site; details of all proposed boundary treatments including that adjacent to Gort Mhuire; proposals for hard and soft landscaping including street furniture, where proposed; details of proposed cycle parking provision and design, particularly where proposed adjacent to the protected walls; potential pedestrian connection to school lands (if feasible); retention of mature trees and details of public art to be provided.
- Detailed conservation report to include:

- design rationale to support the design, height, scale and massing of the development in the context of its historic setting. Report should specifically address potential structural and visual impact of the apartments on the protected walls and outbuildings and the impact of the development on its wider context, notably on the character and setting of Gort Mhuire House and should be supported by appropriate graphic and photographic information;
- detailed photographic record of protected outbuildings and details of all interventions and specification of works to be carried out to this structure and the protected walls in accordance with best conservation practice;
- detailed structural/condition survey of the perimeter walls to include elevation survey drawings along the entire length of the walls, divided into sections to reflect any changes in the composition/structural stability and identifying areas of deterioration or loss of mortar, analysis of the method of construction, mortar analysis and a method statement for any repairs necessitated;
- detailed structural report setting out the measures proposed to ensure the integrity and stability of the protected walls during the construction phase.
- A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances and boundary treatment/s. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.
- A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.
- Photomontages/CGI's to include additional views from Gort Mhuire complex and Wyckham Avenue.

- A detailed analysis of car parking and bicycle parking demand and proposed parking strategy on the site particularly in the context of the proximity of the site to the LUAS and Dublin Bus Services. To include a statement on particular measures to implement and manage the proposed car club spaces and how proposed car parking spaces will be allocated and managed. A full justification as to why basement car parking cannot be facilitated should be provided.
- A detailed Quality Audit to include Road Safety Audit, Access Audit, Cycle Audit and Walking Audit.
- A Mobility Management Plan.
- A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
- Additional drainage details having regard to the report of the Drainage Division of the planning authority, as contained in submission received by An Bord Pleanála on the 26th of March 2019 from Dún Laoghaire Rathdown County Council.
- Daylight and Sunlight Analysis of all blocks including living room accommodation.
- Detailed plans and cross sections indicating how overlooking between residential blocks will be minimised.
- Construction and Environmental Management Plan to include a plan for the treatment and removal of Japanese Knotweed and a Traffic Management Plan during the construction phase.
- Waste Management Plan including measures to appropriately screen and landscape any external refuse storage areas.
- Childcare demand analysis and the likely demand for childcare places resulting from the proposed development.
- Phasing Plan to include appropriate site protection and remediation works to the garden walls and outbuildings within the 1st phase of development.

5.1.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

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

5.2. Applicant's Statement

5.2.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation submitted would constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is not required.

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, including the following:

- Objective 27 which 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 which 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 which 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

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission from the Planning Authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').
- Design Manual for Urban Roads and Streets.
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018).
- Urban Development and Building Heights – Guidelines for Planning Authorities, (2018).
- Childcare Facilities – Guidelines for Planning Authorities.
- Architectural Heritage Protection Guidelines for Planning Authorities.

6.3. Dún Laoghaire-Rathdown County Development Plan 2016-2022

6.3.1. The site is zoned Objective A with the objective “to protect and or improve residential amenity”.

6.3.2. The 'Gort Mhuire Centre' (RPS No. 1453) is listed in the Record of Protected Structures in Appendix 4 of the Plan and is described as 'water gardens, garden walls and farm building complex, house, ornamental ironwork, conservatory and water tower'. I note that this description refers to the overall Gort Mhuire complex, rather than just the application site.

6.3.3. Dundrum is designated a Major Centre in the Metropolitan Area in the Core Strategy Figure 1.1. The site is included in Figure 1.3 as part of the 410 ha of serviced land which are to yield 18,000 residential units. It is further noted that “In addition to the

major parcels of zoned development land detailed above, the ongoing incremental infill and densification of the existing urban area will generate, over time and on a cumulative basis, relatively significant house numbers”. It is stated that a new Local Area Plan is to be prepared for Dundrum during the life of the County Plan, however I note that the site is located a short distance outside the indicative map for the Local Area Plan.

- 6.3.4. Chapter 2 outlines that the Council is required to deliver c.30,800 units over the period 2014 – 2022. It is stated that the Council in seeking to secure this objective will focus on three strands, namely: increasing the supply of housing; ensuring an appropriate mix, type and range of housing; and, promoting the development of balanced sustainable communities.
- 6.3.5. Housing policies set out in section 2.1.3 include policy RES3: Residential Density, which promotes higher residential densities in the interests of promoting more sustainable development whilst ensuring a balance between this and ensuring the reasonable protection of residential amenities and established character of areas; RES4: Existing Housing Stock and Densification, which encourages the densification of existing housing stock to retain population levels, and RES7: Overall Housing Mix, which encourages the provision of a wide variety of housing and apartment types.
- 6.3.6. Other policies which relate to sustainable land use and travel include ST2: Integration of Land Use and Transportation Policies, ST19: Travel Demand Management, ST23: Car Clubs and ST27: Traffic & Transport Assessment and Road Safety Audits.
- 6.3.7. Policy AR1 relates to Protected Structures and Part (iv) states “Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.”
- 6.3.8. Section 4.2 considers Open Space and Recreation including Policy OSR5: Public Open Space Standards.
- 6.3.9. Section 7.1.3 refers to Community Facilities including Policy SIC11: Childcare Facilities.
- 6.3.10. Chapter 8 refers to Principles of Development and contains the urban design policies and principles for development including public realm design, building heights

strategy, and car and cycle parking. Policy UD2 requires Design Statements for all medium to large developments, and UD6 refers to Building Height Strategy.

- 6.3.11. Appendix 9 details the Building Height Strategy. Section 4.8 states that a maximum of 3-4 storeys may be permitted in appropriate locations - for example on prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes - providing they have no detrimental effect on existing character and residential amenity. Furthermore, it states that there will be situations where a minor modification up or down in height by up to two floors could be considered and these factors are known as 'Upward or Downward Modifiers'.
- 6.3.12. Upward Modifiers are detailed in section 4.8.1. It is stated that Upward Modifiers may apply where: the development would create urban design benefits; would provide major planning gain; would have a civic, social or cultural importance; the built environment or topography would permit higher development without damaging appearance or character of an area; would contribute to the promotion of higher densities in areas with exceptional public transport accessibility; and, the size of the site of e.g. 0.5 ha could set its own context. To demonstrate that additional height is justified, it will be necessary for a development to meet more than one 'Upward Modifier' criteria.

6.4. Applicant's Statement

- 6.4.1. The applicant has submitted a statement of consistency with relevant policy as required under Section 8(1)(iv) of the Act, which can be summarised as follows:

National and Regional Policy

- Proposed development is in full accordance with the NPF. It is within the metropolitan area of Dublin City, it is well served by public transport and walking/cycling routes, it is close to a range of natural amenities and it will provide a high quality residential scheme.
- The proposed development is consistent with Pillar 3 of the Rebuilding Ireland Action Plan for Housing and Homelessness, i.e. to build more homes.
- Proposed development seeks to provide for residential development on a key urban infill site to increase densities, height and urban consolidation. It is

therefore compliant with the policies and objectives of the Regional Spatial and Economic Strategy.

- Proposed building height is in accordance with the Urban Development and Building Height Guidelines and the NPF.
- Design, nature and density of proposed development complies with the planning guidance set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.
- The site is well served by community facilities, including 13 No. schools, 16 No. childcare facilities, Dundrum Town Centre and Balally Luas stop.
- The proposed development complies with each of the 12 criteria set out in the Urban Design Manual – A Best Practice Guide.
- The proposed development meets the 7 No. criteria for residential developments set out in the Quality Housing for Sustainable Communities: Best Practice Guidelines for Sustainable Communities 2007.
- Proposed development accords with the guidance set out in the Sustainable Urban Housing: Design Standards for New Apartments, 2018 in terms of unit mix, floor area, aspect, public and communal open space, density and design. Adequate cycle parking and reduced car parking is provided in accordance with the Guidelines.
- The design approach complies with the Design Manual for Urban Roads and Streets by achieving an appropriate balance between the functional requirements of different network users while enhancing the sense of place. Low car parking and shared car provision promotes a modal shift while also creating a high quality public open space. Pedestrians and cyclists are prioritised and facilitated by the scheme design and surrounding road network.
- Analysis carried out in accordance with the Guidelines for Planning Authorities on Childcare Facilities demonstrates that there will be low demand for a creche facility and there are existing facilities in the area.
- Proposed development is in line with the Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland. It provides reduced car

parking provision and proximity to bus and Luas will ensure a modal shift among residents.

- Application site is located with Corridor F of the Transport Strategy for the Greater Dublin Area 2016-2035. There are multiple upgrades in this area to both the DART and through Bus Connects, all of which aim to create a modal shift.
- Proposed development provides for more efficient use of land within the GDA in proximity to the Luas line.
- The proposed development is not at risk of coastal flooding and is outside of Flood Zones A and B.
- Proposed development complies with the guidance for development within the Attendant Grounds of Protected Structures which is set out in the Architectural Heritage Protection Guidelines for Planning Authorities. It will restore the walled garden and outbuildings, protect their character, improve the relationship with the surrounding area, improve the landscape, and scale, height and massing of new buildings is in keeping with the protected structures.

Local Policy

- Site is zoned 'A' and the proposed residential development is acceptable in principle.
- Proposed development will protect and ensure the longevity of the protected structures.
- Development Plan supports infill development on brownfield and established residential areas.
- Design of proposed development complies with residential development policies of the Development Plan (including RES 3, RES 7, RES 8, RES 9, RES 14 and UD 1).
- Development Plan's building height guidance allows for 'upward modifiers', subject to certain criteria. The proposed development in the context of

established heights of existing residential development complies with these criteria.

- Open space provision exceeds Development Plan requirements.
- Development Plan car parking requirements have been superseded by the Sustainable Urban Housing Design Guidelines for New Apartments 2018.
- Retention and restoration of walled garden and outbuildings will comply with policies for protected structures.

7.0 Third Party Submissions

7.1. Three third party submissions were received, and can be summarised as follows:

7.2. Wyckham Place OMC and Wyckham Point OMC

- The Wyckham Point apartment complex is located on the southern side of Wyckham Avenue and contains 515 apartments. The Wyckham Place apartment complex is located on the northern side of Wyckham Avenue and contains 96 apartments.
- Wyckham Place OMC and Wyckham Point OMC are not opposed to the principle of residential development on the site, which is currently disused. The proposal in some respects is an improvement on the previous proposal.
- The Walled Garden is not a typical site and has its own particular constraints and attributes, including in terms of heritage value.
- There are concerns in relation to the potential impact on the amenity of existing residential property in the vicinity, and it is noted that the number of apartments proposed is slightly in excess of that previously refused permission.
- Provision of car parking at the Development Plan standard for 116 apartments would require up to 140 spaces. Therefore, it is proposed to provide only 23% of the Development Plan requirement.

- The applicant's figures show a high level of car ownership in the wider area, with the Dundrum-Sandyford Electoral District having an overall car ownership level of 89%.
- By comparison, Wyckham Place has 96 apartments and 122 parking spaces, and Wyckham Point has 515 apartments and 700 parking spaces. There is a very high level of use of the spaces.
- The level of 'connectivity' is not as satisfactory as in inner suburban areas or in the City Centre, or other parts of Dundrum. The environment for pedestrians seeking to walk from the site to Dundrum Town Centre could be more pedestrian friendly.
- If the number of car parking spaces is inadequate, this will likely result in an overspill onto Wyckham Avenue or visitor spaces in the two existing apartment complexes.
- It is noted that the modest provision of car parking may be further reduced, as the Road Safety Audit notes that the spaces nearest the access from Wyckham Avenue present a hazard as currently laid out.
- The OMCs welcome the provision of additional permeability in the form of a pedestrian link from the Walled Garden to the new school, but have a concern that it could be used to facilitate vehicular access in the future.
- The proposed pedestrian link to the school site will likely result in use by parents from the Ballinteer area dropping off children by car in the morning peak, seeking to avoid the longer journey via Parkvale. This may result in additional traffic that was not considered in the Traffic Impact Assessment.
- While the current proposal goes some way to addressing previous concerns, it is higher than the previous proposal. This might be generally acceptable in terms of recent Government guidance, but in the context of protecting the character of the Walled Garden, the Board might consider if a modest reduction in scale is not warranted. This would also relieve the burden on the limited number of car parking spaces proposed.
- The Board is asked to attach appropriate conditions in respect of noise, dust and vibration. Any piling should be restricted to augured piles to minimise

noise and vibration. A condition is also required to ensure the 'making good' of Wyckham Avenue following works to lay drainage pipes under it.

- Access to the Walled Garden site is via Wyckham Avenue, over which there is a right-of-way. This road is not taken-in-charge and has deteriorated over recent years. The applicant should be required to bring the road up to taking-in-charge standard including remedial works, as required. Alternatively, a special financial contribution should be required.

7.3. Ludford Area Residents Association

- Objection is to the number of car parking spaces compared to the number of apartments.
- The site is over 10 minutes from the Luas and the bus service to the area was voted the worst in Dublin.
- There will be more cars than car parking spaces and residents of the Gort Mhuire apartments will use the Ludford Estate to park their cars if they are not provided with spaces.
- With close access to the M50, those who own or rent apartments will in all probability have cars and the proposed development does not even provide one space per unit.

7.4. Eoghan Ó Ceannabháin

- The Board should have regard to the demographic background of the Dundrum area. The area has a higher than average number of people in the 25-44 age category, with almost a quarter of families in the area at the 'pre-family' stage, compared to a State average of 10%.
- The provision of one and two bedroom units only means that the development will fail to provide sustainable family units.
- The Estate and Common Area Management Strategy references the consultant's experience at the Beacon South Quarter development. The difficulties faced by residents in that development are a reasonable factor to take into consideration.

- There is no clear reason why the proposed Part V units are corralled into one particular area. There is a danger that this may be interpreted as an indiscrete attempt at minimising the level of integration of the difference types of tenure.

8.0 Planning Authority Submission

8.1. Overview

- 8.1.1. The planning authority, Dún Laoghaire-Rathdown County Council, has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016 which was received by the Board on 26th July 2019. It summarises the observer comments as per section 8(5)(a)(i), and the views of the relevant elected members as expressed at the Area Committee Meetings held on 24th June 2019, as per section 8(5)(a)(iii). The matters raised in both summaries are similar to those stated in the submission, above, and the Planning Authority's planning and technical assessments, below.

8.2. Views of Elected Members

- 8.2.1. The views of the relevant Elected Members as expressed at the Area Committee Meeting held on 24th June 2019 can be summarised as follows:
- Overdevelopment of the site.
 - The proposed car parking provision is inadequate and will result in an overspill of car parking in the surrounding area.
 - Concern that all of the Part V units are contained within one block.
 - Proposed amenity areas are finished in hard landscaping and appear to lack green areas.
 - Concern that proposed play areas will be for the use of residents only and that children residing in the neighbouring traveller accommodation site will be excluded from using these play areas.
 - There should be a full assessment of wildlife habitats on the site as there are badgers in the area.

- The hedges and trees on the site should be retained.
- Support for the re-use of the protected structure.
- There should be a safe pedestrian crossing at Wyckham Way.
- Concern that the recent approval for development of a new school would have implications for pedestrian links to the Balally Luas stop for future residents.
- Concern that the mix of units does not include 3 bed units, thereby excluding families within the development.

8.3. Planning Analysis

8.3.1. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) is outlined in Section 11 of the Report under various headings and may be summarised as follows:

- **Principle of the development:**
 - Proposed development is consistent with the provisions of the National Planning Framework.
 - Site is zoned 'A', and residential development is permitted in principle.
 - Principle of residential development on the site has been established through the previous grant of permission under Reg. Ref. D06A/1588 and as such, the proposed development is acceptable in principle.
- **Density:**
 - The NPF, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Urban Design Manual and the Regional Spatial and Economic Strategy for the East and Midlands Region support increased densities in appropriate locations.
 - The site is a 900m walk to Balally Luas stop, and as such the minimum density of 50 units per ha applies (Policy RES3 of the Development Plan).
 - The proposed density equates to c. 107 units per ha and in light of the above guidelines and policy and the site's location in a suburban area in

close proximity to public transport, shops and services, the proposed density is considered acceptable.

- **Layout and Design:**

- The Planning Authority welcomes, in broad terms, the layout and design, which has improved from that refused under Reg. Ref. D15A/0772 (PL06D.246252).
- The removal of the access road previously proposed and the proposal to break the development into four separate buildings with a reduced footprint is welcomed.
- The proposed works to the Walled Garden and stable yard will bring these heritage assets back into use, and on balance the height and scale proposed are greatly reduced from the previous application.
- The height allows for the development to achieve an appropriate density on a site within close proximity to a Major Town Centre and Balally Luas stop. The scale and height is considered appropriate.
- Conservation Officer suggests that the Walled Garden area should remain car free.
- The Board's Pre-Application Opinion Report requested that the applicant submit a detailed structural/condition survey of the perimeter walls and a detailed structural report for the protection of the walls during construction. The submitted photographic record is not a building or structural survey and the Conservation Report provides a generic specification for mortar and plasters. Conditions recommended to require a detailed structural survey and to require a Conservation Architect to be employed to oversee works.
- The scheme is broadly acceptable. While an entirely car-free ground level would be desirable from a conservation perspective, it is accepted that this may not be feasible given other conflicting pressures.

- **Height and Scale:**

- Given the proximity of Wyckham Point and Place which vary from five to eight storeys, it is considered that there is precedent for developments of over five storeys in the immediate area.
- Building height strategy allows for a height of 3-4 storeys for apartment development on large redevelopment sites. With regard to site context and size, it is considered that an upward modifier of 2 storeys applies, allowing for a height of 5 storeys on site.
- The proposed height is acceptable on this site and it is noted that the top level is set in considerably and that the visual impact is reduced with the use of glazing at top floor level.
- The presumption in favour of increased heights in appropriate locations as set out in the Guidelines on Urban Development and Building Heights for Planning Authorities is noted.
- **Residential Amenity:**
 - The properties within the Traveller accommodation to the west are single storey with no east-facing windows. The development will not result in any harmful overlooking of these properties.
 - The separation distances between the blocks are less than 22m. The opposing block plans provided by the applicant illustrate that relevant habitable room windows do not directly oppose each other.
 - It is noted that the bedroom window opens to serve many bedrooms are floor-to-ceiling height, but narrow at only 0.4m in width. There is an opportunity to increase light to a number of bedrooms by introducing additional windows on the north-facing elevations of Blocks A (units 7 and 13) and D (unit 23) as there appears to be scope for additional windows on the east elevation that would not harm the residential amenities of opposing units. This could be dealt with by condition.
 - The Planning Authority has no concern regarding daylight and sunlight.
- **Quality of the Residential Units:**
 - The unit mix is in accordance with Specific Planning Policy Requirements (SPPR) 1 and 2.

- The lack of 3-bed units was raised in third party submissions and by local Councillors. It is considered that the surrounding area is a mature residential area with an extensive stock of family-sized dwellings. The proposed development would offer an opportunity for local residents to 'downsize' while remaining in the area, freeing up larger units.
- The size of the units is in accordance with the requirements of SPPR 3.
- The width of the living/dining rooms and bedrooms meets the required widths set out in the Guidelines. Floor areas for various rooms all comply with the Guidelines.
- 76% of units are dual aspect, which meets the requirements of SPPR 4.
- Ground floor apartments have floor-to-ceiling heights that meet the minimum requirement of 2.7m, and comply with SPPR 5.
- Each of the four blocks meet the requirements of SPPR 6, with 3 – 7 units per floor per core.
- All apartments meet or exceed the required minimum storage area requirements.
- All apartments have balconies of the required size and depth. It is noted that fourth floor units have extensive balconies with some over 100 sq m.
- The proposed communal facilities are considered adequate for a development of this scale. The use of the stable yard for this purpose is welcomed. A condition can be attached to ensure that the facilities within this building are for residents use only.
- Corridor widths are acceptable.
- Whilst the Waste Section are generally satisfied with the proposals, there are elements of waste management that will be dealt with by way of condition (provision of a waste management plan).
- The proposed provision of communal open space exceeds the requirements of the Guidelines and is acceptable, notwithstanding the Parks and Landscape Services Department concerns that the quantum is low and does not meet the Development Plan standards.

- The proposed play areas are overlooked by apartments and the Parks Department have not raised any issues with these areas.
- The Building Life Cycle details are considered acceptable.
- **Transportation and Parking:**
 - While the Planning Authority may not support a low parking provision, if the Board were minded to grant permission, provision for sustainable modes becomes all the more important.
 - The Board should give due consideration to potential pedestrian links, particularly in light of the recent approval at St Tiernan's.
 - The deliverability of the north pedestrian link to the adjoining school lands is questionable, given the recent grant of permission under ABP-303041-18 (Reg. Ref. D18A/0865).
 - The new ope that would form a pedestrian link into the school site is not described in the public notices.
 - The existing pedestrian link to the west would provide a link with the school.
 - Planning officer does not concur with Transportation Dept. regarding re-opening the blocked up gate on the western side.
 - An additional option may be a new ope in the north eastern corner providing access to circulation routes within the school campus and onwards to Dundrum and the Luas.
 - Under Table 8.2.3 of the Development Plan, 116 No. car parking spaces would be required. The proposal represents a shortfall of 80 spaces.
 - While Policy ST3 seeks to promote a modal shift to sustainable transport, there is still a need for vehicle storage.
 - Potential overspill parking is an issue.
 - Discrepancies in drawings showing car parking.
 - Permission should be refused due to the deficiency of car parking spaces.

- Nevertheless, having regard to the nature of the site, the Planning Authority would be open to considering a future application that sought to explore the option of providing parking on adjoining lands in the immediate vicinity as part of a solution.
- Proposed bicycle parking provision exceeds requirements. Details of bike racks are not clearly provided.
- Given the potential impact of excavation works on the protected structure, the Planning Authority accepts that a basement car park may not be an option.
- **Surface Water Drainage:**
 - The proposal generally satisfies the requirements of the Drainage Department, subject to conditions.
 - The conclusions in the Site Specific Flood Risk Assessment are accepted.
- **Open Space, Landscaping, Trees and Hedges:**
 - The proposed open space provision exceeds the minimum 10% of the overall site area.
 - The proposed open space provision fails to meet the quantitative requirements of Section 8.2.8.2 of the Development Plan, although it meets the requirements of the Apartment Guidelines.
 - Overall, the Planning Authority considers that the quantum and quality of open space provision is adequate. It would be unreasonable to impose conditions requiring financial contributions in lieu of open space.
- **Ecology:**
 - A condition should be imposed to ensure that the outlined mitigation measures within the Ecology report are adhered to and that a qualified ecologist is employed to monitor the site during construction.
 - The Department of Culture, Heritage and the Gaeltacht's recommended conditions regarding the badger sett and disposal of Japanese Knotweed should be attached, if permission is granted.

- The Planning Authority is satisfied with the overall conclusions of the Ecology Report.
- **Other Issues:**
 - **Childcare Facility:**
 - There is a discrepancy in the details submitted. Page 18 of the Planning Report states that the proposal would generate a demand for 3 childcare spaces, while the Creche Assessment states that the development would generate a need for 31 spaces.
 - Apartment Guidelines allow for flexibility in the provision of a creche facility for developments with 1 and 2 bed units.
 - In light of the capacity for childcare in the area, the Planning Authority accepts that there is no need for a childcare facility in this instance.
 - **Waste:**
 - The Waste Management Section are generally satisfied with the documents submitted.
 - **Part V:**
 - Proposal is acceptable to the Housing Section, subject to agreement.
 - **Appropriate Assessment/Environmental Impact Assessment:**
 - An Bord Pleanála is the competent authority in terms of screening the development.
 - **Development Contributions:**
 - Standard development contributions will apply, should permission be granted.

8.4. Response to Prescribed Bodies/Observers

- 8.4.1. Section 8.0 of the report summarises the views of the prescribed bodies and observers. The matters arising are addressed within the planning analysis set out in Section 11.0 of the report, as summarised above.

8.5. Other Technical Reports

8.5.1. Transportation Planning:

- The proposed pedestrian access proposal to the north is not consistent with the permitted school development.
- Connection to the existing lane to the west could facilitate safety and surveillance improvements.
- Discrepancies between drawings regarding locations of car parking spaces.
- Proposed level of car parking provision is unacceptable. Providing 1 space per unit, which would be a reduction in accordance with the Apartment Guidelines 2018, would result in a requirement for 116 No. spaces. There is a shortfall of 80 No. spaces.
- There is a need to provide car storage as well as car parking to prevent overspill onto the local road network.
- The lack of sufficient off-street car parking spaces is likely to create inappropriate/illegal parking on the adjoining roads which would endanger public safety and negatively impact upon the amenity of the area.
- The Mobility Management Plan relies on restricted car parking provision to reduce car ownership of future occupants.
- The proposed cycle parking provision exceeds requirements but submitted drawings are unclear.
- Detailed Quality Audit has not been submitted.
- The entrance to the proposed residential development remains dominated by a vehicular entrance roadway with car parking either side. Inside the Walled Garden this entrance roadway is shared with pedestrians and cyclists.

8.5.2. Parks and Landscape Services:

- Proposed open space provision is not accepted. The quality of the space is low and the quantum does not meet the required standards, as the applicant has included incidental and narrow unusable spaces.
- Conditions recommended for tree protection.

- Condition recommended for a post-installation practical completion certificate to be required for the play areas.
- Special contribution in lieu of public open space should be sought.

8.5.3. Conservation:

- The former Walled Garden is one of the largest surviving of its type and is rather unique in the County in terms of its size and intact boundary walls.
- Any development needs to be of very high quality and design to ensure that it does not have a negative impact on the character and setting of the Walled Garden.
- The placement of residential units in the Walled Garden is acceptable in principle, but the scale, height and massing raises concerns and should be reduced.
- The provision of car parking spaces within the Walled Garden is not in the spirit of the character of the site. It would be more appropriate to retain it car free.
- The fountain should be reinstated.
- The survey and conservation report are generic. Conditions recommended.
- The proposed works to the farmyard complex are acceptable in principle.
- Phasing proposal is acceptable.

8.5.4. Drainage Report:

- No objection, subject to conditions.
- The conclusions of the Flood Risk Assessment are accepted.

8.5.5. Waste Management:

- Discrepancies are noted between the Outline Construction Environmental Management Plan and the Construction Management Plan.
- Issues identified should be addressed by the applicant.

8.5.6. Housing:

- The on-site proposal is capable of complying with the requirements of Part V, subject to agreement on costs and funding.

8.6. Planning Authority Conclusion

8.6.1. The conclusion to the planning analysis can be summarised as follows:

- Proposed development reflects national planning policy guidance and promotes greater efficiency in the use of zoned lands and higher densities within close proximity to public transport.
- The retention and reuse of the protected structures is welcomed.
- Given the unique constraints of the site, the requirement for high quality design and the need for higher densities, the proposed development is generally considered to be acceptable in terms of land use, delivery of high-quality housing, good provision of public and private open space.
- The proposed car parking provision fails to comply with the Development Plan standards and is inconsistent with the Apartment Guidelines standards.
- There are also concerns regarding the scheme's integration with existing and potential pedestrian and cycle desire lines to the north, but it is not considered that these matters could be successfully resolved under this application.

8.6.2. The Planning Authority recommends that permission be refused for the following reason:

- The proposed car parking/car provision of 36 spaces to serve a development of 116 units is significantly deficient by reference to Table 8.2.3: Residential Land Use – Car Parking Standards of the 2016-2022 County Development Plan and is inconsistent with the relevant standards as set out in the Apartment Guidelines 2018, and would give rise to unacceptable levels of on-street parking and overspill in the surrounding areas. The proposed development would therefore seriously injure the amenities of the area and endanger public safety by reason of traffic hazard and obstruction of road users and would therefore be contrary to the proper planning and sustainable development of the area and may set a precedent for future development in the immediate area.

8.7. Recommended Conditions

8.7.1. Notwithstanding the Planning Authority's recommendation that planning permission be refused, Section 15.0 of the report recommends 47 No. conditions, should the Board be minded to grant permission. It also states that the Planning Authority notes that in previous cases some specific technical conditions are replaced with generic conditions referring to the requirements of the Planning Authority. They state that it would be helpful if the Board in these instances would tie them back to the specific requirements as set out in the reports of the technical department in the interest of clarity and for the avoidance of doubt.

8.7.2. The following summarised conditions are noted:

- C3: Conservation Architect to be engaged to monitor the garden walls and outbuildings.
- C4: Communal facilities for residents only.
- C5: Detailed structural/condition survey of the perimeter walls and farmyard complex to be submitted, including elevations indicating areas of deterioration, method of construction, mortar analysis and method statement for repairs.
- C11: Construction Management Plan.
- C12: Details of proposed green roofs, including maintenance schedule, to be submitted.
- C13: Stage 2 Detailed Design Stage Stormwater Audit to be submitted prior to commencement, as required under Policy EI9.
- C14: Stage 3 Completion Stage Stormwater Audit to be submitted upon completion.
- C16: Revised locations for catchpit manholes to be provided to ensure they are in accessible locations.
- C17: Details of drainage system at access to each building to be provided to address discrepancy.
- C18: Attenuation system that can accommodate 285 cu m to be provided.

- C20: Flood flow-path areas shall not include an engineering, architectural or landscaping features that would have the potential for obstruction of flowpaths.
- C21: Archaeological notification.
- C22: Construction Waste Management Plan to be submitted.
- C25: Stage 2 Quality Audit, to include Road Safety Audit, Access Audit, Cycle Audit and Walking Audit, to be submitted prior to commencement.
- C26: Applicant to confirm that all future occupants shall be made aware of the reduced car parking/car storage provision and lack of car parking entitlement.
- C27: Applicant to provide details of proposed operation and management of car parking, including car sharing/car club spaces and cycle parking.
- C28: One car parking space per ten units to have electric charging point.
- C29: Applicant to demonstrate that design of cycle parking facilities complies with Planning Authority requirements.
- C31: Construction Traffic Management Plan to be submitted for agreement.
- C34: Appointed Travel Plan Coordinator to provide an annual report to the Planning Authority for 3 years showing what measures have been implemented to promote sustainable travel modes, results of annual travel survey and details of promotional material/competition to promote sustainable travel.
- C35: Arboricultural Consultant to be engaged for the construction period.
- C36: Preliminary tree work recommendations to be completed before commencement of construction. Any tree works required thereafter shall require written consent.
- C37 – C39: Tree fencing, tree bond and post-construction Arboricultural Condition Assessment.
- C40: Post-installation Practical Completion Certification in accordance with RoSPA guidelines to be provided.

- C41: Landscape Architect to be engaged. Practical completion certificate to be provided.
- C43: Japanese Knotweed to be dealt with.
- C44: Measures to mitigate the impact on the badger sett 30m from the site to be implemented in full. Results of pre-construction mammal survey to be submitted.
- C45: Mitigation measures to protect bats to be implemented in full. Pre-construction bat survey to be submitted.
- C46: Details of Owners' Management Company to be submitted.
- C47: Development Contribution.

9.0 Prescribed Bodies

9.1. A list of prescribed bodies, which the applicant was required to notify prior to making the SHD application, was issued with the Board's Opinion (see Section 5.1.3 above). The following summarised submissions were received:

9.2. Department of Culture, Heritage and the Gaeltacht

- The Department notes the large scale nature and the location of the proposed development. In order to mitigate impacts on any previously unidentified archaeological remains, an archaeological monitoring condition is recommended.
- Conditions should be included to ensure that the mitigation measures and methodologies set out in the Ecological Impact Assessment for the elimination of Japanese Knotweed, the mitigation of impacts on the badger sett and the protection of bats are implemented in full and to require that the pre-construction bat and badger surveys be forwarded to the Board and the NPWS.
- Condition should be included to require clearance of vegetation to be carried out in the period September – February (i.e. outside the main bird breeding season).

9.3. An Taisce

- The development now proposed is a significant improvement over that contained in the preceding application (PL06D.246252).
- An Taisce is satisfied for the Board to assess the application in accordance with the Development Plan and Government Guidelines, having regard also to the need to minimise overlooking of the playgrounds of the proposed new primary school on the neighbouring lands, recently permitted under ABP-303041-19.
- The possible opening in the existing wall, linking to the adjoining school lands, is not mentioned in the public notice and does not form part of the application. It is not assessed in the Walled Garden Conservation Report.
- The Board's recent permission for the school (ABP-303041-18) includes a condition that cyclist and pedestrian access to the existing footpath and cycle way along Wyckham Way shall be facilitated. There is also an existing path parallel to the western wall of the Walled Garden which provides access to the school lands. A new link from the Walled Garden to the school lands would appear to be unnecessary.
- Creation of a new opening in the heritage wall could affect the stability of the wall and should not be approved without detailed assessment. No works to create such an opening should take place without a separate grant of planning permission.
- Recommended conditions:
 - Conservation work to be carried out on the Garden Walls in accordance with the Engineering Report and Conservation Report prior to occupation of any residential units.
 - Developer to engage the services of a Conservation expert to monitor the walls during construction to ensure their stability is not compromised.
 - Developer to establish future arrangements to ensure ongoing maintenance of the Garden Walls, including the inward and outward facing surfaces.

- Developer to provide evidence of an agreement with the Minister for Education and Skills and relevant school authorities to facilitate future access onto the lands of St Tiernan's Community School and the proposed Ballinteer Educate Together National School for the purposes of monitoring the condition of the Garden Walls and carrying out maintenance work as required.

9.4. **Dún Laoghaire-Rathdown County Childcare Committee.**

- DLRCCC has read the Creche Assessment document and observe that there is no capacity available in existing services.

9.5. **Transport Infrastructure Ireland**

- TII has no observation to make.

9.6. **Irish Water**

- Subject to a valid connection agreement between Irish Water and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.

10.0 **Environmental Impact Assessment (EIA) Preliminary Assessment**

10.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

10.2. Class (10)(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, provides that mandatory EIA is required for, inter alia, the following classes of development:

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

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

- 10.3. The proposed development involves 116 No. residential units and associated development on a site of c. 1 ha. The site is located in a suburban residential area that is not considered to come within the above definition of a “business district”. I therefore consider that the proposed development does not fall within the above classes of development and does not require mandatory EIA.
- 10.4. As per section 172(1)(b) of the Planning and Development Act 2000, as amended, EIA is also required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but which are sub-threshold, where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

11.0 **Assessment**

11.1. **Introduction**

- 11.1.1. Pursuant to my site inspection and examination of all documentation, plans and particulars and submissions/observations on file, I consider the relevant planning considerations in assessing this application are as follows:

- Principle of proposed development.
- Density of proposed development.
- Development strategy.
- Residential amenity.
- Traffic and transport.

- Architectural heritage.
- Ecological issues.
- Site services and flooding.
- Crèche requirement.
- Other issues.
- Appropriate Assessment.

11.2. Principle of Proposed Development

11.2.1. The application site is zoned 'A', with the objective to protect and/or improve residential amenity. Residential development is permitted in principle under this land use zoning objective and I therefore consider the proposed development to be acceptable in principle, subject to consideration of the key planning issues set out in Section 11.1 above.

11.3. Density of Proposed Development

- 11.3.1. The proposed development provides for 116 No. apartments on the 1.089 ha site, enclosed within the Walled Garden with a separate communal facility located within the restored stable yard complex. The apartments would be provided across four blocks, all of which are five storeys (with the top floor set back), gathered around a central courtyard. The density of the proposed development would be 106.5 units/ha.
- 11.3.2. From my site inspection, and a review of recent planning history in the wider area, it is clear that the Dundrum area is in a state of transition, with its character changing from a low density two storey suburban area into a more urban area with a mix of heights and increasing densities. This is typified by the Wyckham Place and Wyckham Point apartment developments to the west of the application site which range from 5 – 8 storeys in height, and the development at and in the vicinity of Dundrum Town Centre and Balally Luas stop, a relatively short distance to the north of the application site.
- 11.3.3. The issue of transport is addressed in detail below, but of key importance is the location of the aforementioned Balally Luas stop within 10 minutes walking distance

(c. 900m), as well as a number of bus routes along Wyckham Way and the presence of reasonably good pedestrian and cycle infrastructure in the vicinity of the site. In addition to being located close to good quality public transport, the site is also located within walking distance to major employment bases and community and retail facilities including Dundrum Town Centre, Sandyford Business Park and numerous schools.

- 11.3.4. Policy at national and local level seeks to encourage development in key locations particularly around public transport nodes. Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF (see section 6 above for details) seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. I consider that the application site complies with those objectives and supports government policy seeking to increase densities and thereby deliver compact urban growth.
- 11.3.5. I also note the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) which state, with respect to location, that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. I consider that the scale and extent of the proposed development is compliant with this guidance, given its proximity to core urban centres, public transport nodes, employment locations, retail and other community amenities. In addition, I am of the opinion that this site could be considered a 'Central and/or Accessible Urban Location' as described in the Guidelines, as it complies with the characteristics described therein and therefore is suitable for higher density.
- 11.3.6. In their submission, the Planning Authority refer to Policy RES3 of the County Development Plan and state that it is Council policy to promote higher residential densities at a minimum of 50 units per hectare, in sites within c.1km of Luas lines and/or within 1km of a town or district centre. Having regard to the site's location and national policy and guidance, they consider the proposed density to be acceptable.

11.3.7. In conclusion, while the density of the proposed development is high, I consider it to be acceptable, having regard to national and local policy, the site's location in close proximity to major employment zones and good quality public transport, and the urban pattern and scale of development emerging in this area.

11.4. **Development Strategy**

11.4.1. **Height**

11.4.2. The proposed residential development comprises 4 No. five storey blocks, with the top floor set back. As noted above, this is an area in transition and the existing 5 – 8 storey Wyckham Point and Wyckham Place apartment developments are located to the west of the application site. There are also a number of developments of comparable height to the north, in the vicinity of Dundrum Town Centre and Balally Luas stop.

11.4.3. Section 4.8 of Appendix 9 of the Development Plan sets out General Principles in relation to height including promotion of higher densities and increased building heights around public transport nodes. It states that a maximum of 3-4 storeys may be permitted in appropriate locations, including prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes – providing they have no detrimental effect on existing character and residential amenity. I will address the issues of character (particularly with regard to the protected structures) and residential amenity separately below, but I am satisfied that the application site is an appropriate location for increased building heights and that it will not have a seriously injurious impact on either character or residential amenity.

11.4.4. In addition, the Development Plan states that there will be situations where a minor modification up or down in height by up to two floors could be considered and these factors are known as 'Upward or Downward Modifiers'. These factors include, for example, where the site is large enough to set its own context (>0.5 ha), where important historic sites can be retained and enhanced, and where the location and scale of existing buildings would allow the recommended height to be exceeded with little or no demonstrable impact on its surroundings. I am satisfied that the Upward Modifiers are applicable with respect to the application site and that the proposed five storey height is therefore acceptable.

- 11.4.5. The Planning Authority, in their report, also consider the proposed height to be acceptable with regard to the building height provisions of the Development Plan, and they further note the provisions of the Guidelines on Urban Development and Building Heights for Planning Authorities which supports increased heights in appropriate locations, such as the application site.
- 11.4.6. **Design, Form and Layout**
- 11.4.7. An Architectural Design Statement and Materials & Detailing Statement accompany the application and provide an overview of the response to the site context, the character of the proposed development and the materials and details to be used, details of how it responds to the previous refusal of permission and an assessment of residential quality.
- 11.4.8. I consider that the scale, massing and form of the proposed development positively address the reasons for the refusal for the previously refused development proposal. The previous proposal comprised two monolithic blocks that failed to respect the open character of the Walled Garden and appropriately respond to the enclosed context of this historical setting. In contrast, the proposed development comprises a reduced footprint, with four blocks arranged in a quadrant arrangement around a central courtyard. This layout reflects the historic layout of the Walled Garden, and ensures adequate separation distances between the blocks, the walls of the Walled Garden and the Stable Yard building. The potential impacts on architectural heritage and residential amenity are addressed elsewhere in this report, but I consider the design, form and layout of the proposed development to be generally acceptable.
- 11.4.9. The proposed elevational treatments of the apartment blocks are relatively simple, and make use of a limited palette of materials. Two shades of buff-coloured brickwork are proposed with natural grey mortar. I consider the proposed use of brick to be appropriate in the site context, and that it is a preferable design response to stone cladding which could compete with and detract from the historic character of the existing stone walls. The use of brick provides a restrained and textured contrast to the existing walls, and the simple and rational detailing of brick panels, window opes and balconies is appropriate in this sensitive historic setting where an overly complex elevational treatment could detract from the architectural heritage of the site. The top floor of each block is to be set back, with a glazed curtain walling

system replicating the staircore detailing. This glazed treatment will serve to lessen the apparent scale and massing of the blocks to a degree, and I consider it will provide a high-quality contemporary contrast to the textured brick below and the existing stonework.

11.4.10. The photomontages and associated Landscape and Visual Appraisal submitted with the application demonstrate, in my opinion, the appropriateness of the design response, particularly having regard to the existing apartment developments of similar or greater height to the west, and I am satisfied that the proposed development will not have a significant adverse impact on the visual amenities of sensitive receptors in the area, such as existing residential dwellings and the protected structures at the adjacent Gort Mhuire complex (refer also to Section 11.7 below).

11.4.11. **Residential Standards**

11.4.12. As noted in Section 3 above, a range of unit sizes are proposed. I am satisfied that the proposed development provides for a suitable mix of 1 and 2 bedroom apartments. While one of the third party submissions contends that the proposed development fails to provide larger family sized units, I consider that the provision of 1 and 2 bedroom units in this suburban area that is dominated by traditional 3 and 4 bedroom housing estates will assist in improving the residential mix in the area, providing an opportunity for people to downsize within their community, thus freeing up larger houses for new families. It will also be consistent with demographic trends towards smaller household sizes.

11.4.13. The Housing Quality Assessment submitted with the application demonstrates that the proposed development is fully compliant with the relevant quantitative and qualitative requirements, and more particularly the Specific Planning Policy Requirements (SPPRs) of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018.

11.4.14. 34% of apartments are one bedroom units, which is compliant with SPPR 1. All apartment sizes are in excess of the minimum floor areas set out in SPPR 3, with the majority exceeding the standards by more than 10%. A total of 72% of apartments are dual aspect, which is excess of the SPPR 4 requirement. Ground floor floor-to-ceiling heights are 2.7m which is compliant with SPPR 5. Less than 12 apartments

per floor per core are provided, which is compliant with SPPR 6. All apartment units are provided with adequate storage and all units have aggregate living/dining/kitchen areas and bedroom sizes that are in compliance with the requirements set out in Appendix 1 of the Guidelines. All apartment units are also served by a private balcony or terrace, all of which meet or exceed the minimum size requirements set out in Appendix 1. I note that the Planning Authority are also in favour of the housing mix and that they consider the proposed apartments to be compliant with the Guidelines.

11.4.15. The development also provides for new communal facilities to serve the residents.

These will be located within the restored Stable Yard building and include a concierge, media suite, bin store, gym and bicycle store. I consider this use of the Stable Yard to be a good use of this structure, and its location close to entrance to the development will make it easily accessible to all residents. I therefore consider that these additional amenities and facilities will be of benefit to future residents and provide for an enhanced level of amenity within the overall scheme.

11.4.16. In conclusion, I consider that the proposed apartments are relatively generous in size and that they meet or exceed all minimum requirements of the Guidelines. I am satisfied, therefore, that a high standard of accommodation will be provided for future occupants.

11.4.17. **Open Space and Landscaping**

11.4.18. The proposed development includes both communal amenity space and public open space. The communal open space provided extends to c. 2,500 sq m, which significantly exceeds the 732 sq m requirement under the provisions of the Apartments Guidelines. It mostly comprises the perimeter area, between the blocks and the walls of the Walled Garden, and it is appropriately landscaped, with paths, planting, play areas, seating and residents bicycle storage.

11.4.19. The proposed public open space comprises the central courtyard area around which the apartment blocks are arranged. It extends to 2,149 sq m and includes seating areas, water features, grassed and planted areas and pathways and circulation areas.

11.4.20. I note that the Parks Section of the Planning Authority, in their report, consider that the proposed open space provision is inadequate in terms of quality and quantum

and they recommend that a special contribution under section 48(2)(c) be sought in lieu of public open space. The Planning Officer agreed that there was a shortfall, but considered that the open space provision was acceptable with regard to national Guidelines and the 10% minimum requirement.

11.4.21. I note that Section 8.2.8.2 of the Development Plan requires a minimum of 10% of the overall site area for public open space and/or communal space, which would equate to a requirement of 1,089 sq m. It also requires 15 – 20 sq m of open space per person. This would equate to a requirement between 2,610 sq m and 3,480 sq m (based on a occupancy rate of 1.5 persons per unit, as per the Development Plan).

11.4.22. The combined public open space and communal amenity space within the proposed development extends to c. 4,700 sq m, which is clearly in excess of the Development Plan requirement. I therefore do not consider that there is a shortfall in public open space/communal open space provision.

11.4.23. The landscaping plans and report submitted with the application demonstrate that the public open space will be of high quality, will be well positioned within the development and will benefit from overlooking and passive surveillance from the surrounding apartment buildings.

11.4.24. I note that there are 13 No. car parking spaces within the Walled Garden, to the south of the central courtyard area. While it would be preferable, in my opinion, for all car parking to be kept outside of the Walled Garden area, thus maintaining it as a car-free and more peaceful environment which would be in keeping with its historic character, it is clear that the constrained nature of the site requires a balance between car parking provision and protection of architectural and historic character. The proposed extent of car parking within the Walled Garden is limited, and I consider to be acceptable in the context of the adjoining landscaped public open space.

11.4.25. While the open space and landscaping proposals are generally acceptable, I note that the applicant is not proposing to reinstate the circular water fountain which was located at the centre of the four quadrants of the Walled Garden. It appears from the information provided by the applicant that this historic feature of the site was vandalised and recently stolen from the site, however I would agree with the Conservation Officer that this feature should be reinstated as part of the landscaping

proposals. I consider this to be particularly relevant, given that the arrangement of the four apartment blocks is inspired by the historic quadrant layout of the Walled Garden. This issue can be addressed by way of Condition, should the Board be minded to grant permission.

11.4.26. **Loss of Trees**

11.4.27. There are a number of mature trees and various forms of vegetation present within the application site, and an Arboricultural Report and associated Tree Constraints Plan, Tree Impacts Plan and Tree Protection Plan were submitted with the application.

11.4.28. All existing vegetation within the Walled Garden area will be removed as part of the proposed development. It is clear from the report submitted and my site inspection that this material is of poor quality and that some of it is jeopardising the integrity of the stone walls, and I therefore consider its removal to be acceptable. To the south and south east of the Walled Garden there are a number of more mature trees (the majority of which are outside of the application site), and of particular note are 3 No. sizable Austrian Pines to the west of the Stable Yard, close to the entrance to the proposed development. These 3 No. trees are designated as Category 'B' (i.e. moderate quality) and it is proposed to remove one of these trees (No. 32) to facilitate services. I also note the 3 No. Norway Maples to the east of the Stable Yard, one of which is Category 'B', with the other two being designated as Category 'C' (i.e. poor quality). It is proposed to remove all three of these trees. Given the constrained nature of the site, I accept that some loss of trees is necessary and warranted, given the general acceptability of bringing this disused site back into active use, and the dual benefits of delivering residential units and restoring the protected structures. I also note that the majority of the tree belt separating the application site from the remainder of the Gort Mhuire complex is located outside of the site and will not be affected by the proposed development.

11.4.29. The Arboricultural Report includes a methodology and specifications for the protection of trees to be retained, including tree fencing and ground protection systems, and this is illustrated on the submitted Tree Protection Plan. Subject to compliance with these measures, I consider the impact of the proposed development on existing trees to be acceptable, noting that a detailed landscaping plan has been

prepared for the proposed development which will include additional semi-mature native planting.

11.4.30. **Pedestrian Linkages**

11.4.31. With regard to pedestrian linkages, there is a note on the Site Layout Plan indicating an opening in the northern wall of the Walled Garden with a note stating 'possible new ope in existing wall linking to adjoining school lands, circa 2.3m high, subject to agreement'. While the provision of enhanced pedestrian permeability is to be welcomed, I note that there is no submission on file from the Department of Education and Skills or the school body agreeing to the creation of such a linkage to their lands, adjacent to the permitted new primary school. An Taisce has also noted that this opening is not mentioned in the public notices. It would be inappropriate, in my opinion, to permit such a linkage in the absence of any evidence of an agreement with the adjoining landowner. I note that there is an existing laneway which runs along the western wall of the Walled Garden, and which provides a link between Wyckham Place/Avenue and the school grounds. This existing laneway will provide a pedestrian link for children resident in the proposed development to access the schools, albeit via a slightly more circuitous route than the new ope indicated on the drawings.

11.4.32. For these reasons, I therefore recommend that the ope in the northern wall be omitted by way of condition, should the Board be minded to grant permission.

11.4.33. **Conclusion**

11.4.34. In conclusion, I am satisfied that the development strategy for the site is appropriate and will provide a high standard of amenity for future residents. The scale, massing and form of the proposed development is acceptable and positively addresses the previous reasons for refusal while respecting the historic character of the site. The apartment units all comply with the relevant qualitative and quantitative standards and will offer a high quality of residential amenity, communal facilities are provided for, and the quantum and quality of open space is high and the open space is appropriately located within the site.

11.5. Residential Amenity

- 11.5.1. The application site comprises a long-disused walled-off site in an established residential area, close to public transport, retail and community facilities which has attracted anti-social behaviour including dumping and vandalism. I consider that the proposed development, which will bring this site back into active use, has the potential to result in positive impacts on the residential amenity of existing residents, subject to consideration of issues such as overshadowing, overlooking and overbearing impacts.
- 11.5.2. With regard to overshadowing and loss of sunlight/daylight, I note that a Daylight Sunlight Report, prepared by OCSC Consulting Engineers was submitted with the application. This report assesses the internal daylight levels within each of the proposed blocks and demonstrates that all apartment units will exceed the Average Daylight Factors outlined in the BRE guidance document 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'. With regard to the potential impact on daylight access at surrounding properties, having regard to the site context, orientation and separation distances, the only properties that could potentially be affected are the 3 No. traveller accommodation units located to the west of the site. However, these are single storey structures with no windows facing the application site and are therefore unlikely to be affected. Shadow analysis included in the report also demonstrates that no surrounding properties will be affected by overshadowing. The report also demonstrates that amenity spaces within the proposed development will receive sufficient sunlight to comply with BRE recommendations.
- 11.5.3. With regard to overlooking, I consider that the separation distances between the application site and existing residential development in the vicinity (i.e. the apartment developments to the west) is sufficient to ensure that there is no significant level of overlooking or loss of privacy. With regard to the traveller accommodation units, I note that they have no windows facing the application site, and therefore no overlooking will arise.
- 11.5.4. With regard to overlooking between blocks within the proposed development, I note that separation distances between opposing north and south elevations are c. 10m and between opposing east and west elevations are c. 18m. This is less than the 22m distance between opposing windows sought by the Development Plan, and the

applicant has sought to justify this with a series of 'opposing block windows' drawings for each floor, which illustrate the opposing elevations, separation distances and angles of view. The applicant, in their Statement of Response to the Pre-Application Opinion also note that the proposed separation distances compare favourably to the distances between properties on residential streets in areas across the city. Having reviewed the information submitted by the applicant, and having regard to the enclosed nature of the Walled Garden development, I do not consider that there will be an undue level of overlooking between units. In coming to this conclusion, I note the offsetting of windows, the use of full-height narrow strip windows in certain area, and the use of corner windows which direct the primary view outwards into the courtyard area.

11.5.5. Finally, with regard to overlooking of the school grounds, as raised by An Taisce, I do not envisage any particular issue with this, given the c. 8-10m set back of development from the northern boundary of the site and the consequent separation distances to the existing and permitted school buildings. I note that the overlooking of public open space and play areas is encouraged in policy and guidelines, in order to provide passive surveillance and dissuade antisocial behaviour. I see no compelling reason why this principle should not also hold true in relation to school grounds.

11.5.6. In conclusion, I am satisfied that the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity.

11.6. **Traffic and Transport**

11.6.1. **Car and Bicycle Parking**

11.6.2. The proposed development includes 36 No. car parking spaces to serve the 116 No. proposed apartments. It is also proposed to provide 4 No. motorcycle spaces and 311 No. bicycle parking spaces (257 for residents and 54 for visitors). I note that the applicant intends to designate 5 No. car parking spaces for 'GoCar' shared car club vehicles. The car parking ratio would therefore be 0.31 spaces per unit.

11.6.3. The Planning Authority has recommended that permission be refused on the basis that the proposed car parking provision is significantly deficient by reference to the County Development Plan and the Apartment Guidelines 2018, and that it would give

rise to unacceptable levels of on-street parking and overspill in the surrounding areas thereby endangering public safety by reason of traffic hazard and obstruction of road users. The Planning Authority also consider that it may set a precedent for future development in the immediate area. The issues of inadequate car parking provision and the potential overspill of car parking to surrounding areas was also raised in the third party submissions.

- 11.6.4. The applicant has sought to justify the shortfall in car parking provision in a report entitled ‘Parking and Mobility Study’, prepared by Barrett Mahony Consulting Engineers, and in the Planning Report prepared by McGill Planning. I note that a letter from ‘GoCar’ is included as Appendix 4 to the Parking and Mobility Study report. The letter states that each GoCar has the potential to replace the journeys of up to 15 private cars, however no research or other evidence is provided to support this claim.
- 11.6.5. Section 8.2.4.5 of the Development Plan relates to car parking standards, with residential standards set out in Table 8.2.3. The Development Plan states that these standards shall be generally regarded as ‘standard’ parking provision and include spaces for residents and visitors. The following table sets out the parking standards and their application to the proposed development:

Type of Unit	No. of spaces required per unit	No. of units	No. of spaces <u>required</u>	No. of spaces <u>provided</u>
1 bed unit	1	40	40	
2 bed unit	1.5	76	114	
Total			154	36

- 11.6.6. It is clear from the table above that the proposed development would result in a significant shortfall in car parking provision. However, notwithstanding the car parking requirements of the Development Plan, I note the relevant provisions of the Project Ireland 2040: National Planning Framework (NPF) and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018.

11.6.7. The NPF states that universal standards for car parking may not be applicable in all circumstances in urban areas and should be replaced by performance-based criteria appropriate to general location. It also states that a more dynamic performance-based approach appropriate to urban location type will also enable the level of public transport service to improve as more development occurs and vice-versa and that there should also generally be no car parking requirement for new development in or near the centres of the five cities, and a significantly reduced requirement in the inner suburbs of all five. This is reflected in National Policy Objective 13:

- “In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.”

11.6.8. Sections 4.19 – 4.21 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 provide the following guidance for ‘central and/or accessible urban locations’ and ‘intermediate urban locations’:

“Central and/or Accessible Urban Locations:

In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity.

These locations are most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. This includes 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.

Intermediate Urban Locations:

In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.”

11.6.9. In my opinion the application site could be considered to be an ‘intermediate urban location’, although its proximity to Balally Luas stop (c. 10 minute walking distance) could also place it within the category of ‘central and/or accessible urban location’. In either case, it is clear that the Guidelines seek to encourage reductions in car parking provision for higher density developments.

11.6.10. By way of comparison, I note that in respect of ‘peripheral and/or less accessible urban locations’, the Guidelines recommend one car parking space per unit, together with an element of visitor parking. That level of car parking provision would be in line with that sought by the Planning Authority in their report to the Board, however the application site could not be considered to be peripheral or less accessible, by virtue of its proximity to Luas, bus, pedestrian and cycle infrastructure. I therefore consider the provision of less than one space per unit to be acceptable on this site, given its location and characteristics.

11.6.11. The Guidelines state that where it is sought to reduce car parking provision, it is necessary to ensure the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the mobility impaired. It also requires that provision be made for alternative mobility solutions including facilities for car sharing club vehicles and cycle parking/storage.

11.6.12. As noted above, the applicant is proposing to provide 5 No. car sharing club spaces. With regard to bicycle parking, standards are set out in the ‘Dun Laoghaire-Rathdown County Council Standards for Cycle Parking and associated Cycling Facilities for New Developments 2018’, with more onerous standards set out in the Design Standards for New Apartments Guidelines for Planning Authorities, 2018. These standards and their application to the proposed development are as follows:

	DLRCC Requirement	DHPLG Requirement	No. of spaces <u>provided</u>

Long-stay spaces	116 (1 space per unit)	192 (1 space per bedroom)	257
Visitor spaces	23 (1 space per 5 units)	58 (1 space per 2 units)	54
Total	139	250	311

11.6.13. The proposed development therefore provides significantly more bicycle parking spaces than required. While the public notices and Parking and Mobility Study refer to 257 No. bicycle parking space (as well as the 54 No. visitor spaces), I note that other documents within the application refer to 122 No. spaces being provided. In the interests of clarity, I recommend that the number of bicycle parking spaces be clarified by way of condition, should the Board be minded to grant permission.

11.6.14. While the proposed development makes adequate provision for bicycle parking and car sharing club spaces, the car parking ratio of 0.31 spaces per unit is particularly low in a suburban context. The Parking and Mobility Study provides information on car ownership and modal split from the 2016 Census. While car ownership in the surrounding area is high (in excess of 80%), the modal share of cars is reducing in recent years, with c. 36% of people in the immediate area commuting by car. The applicant contends that this figure is consistent with the proposal to provide car parking for 35% of occupants of the proposed development. The Transportation Section of the Local Authority does not accept this conclusion.

11.6.15. Having regard to the existing high level of car ownership in the area, I note that surrounding development generally comprises either traditional detached and semi-detached housing estates with ample parking or apartment schemes with ample parking. The application site is well-served by public transport (both bus and Luas) and by cycling and pedestrian infrastructure. Furthermore, the proposed development comprises 1 and 2 bedroom units only, and therefore is likely to accommodate a relatively low number of children and larger family units who are more likely to require a car. While the Local Authority makes reference to car storage being required, this will not necessarily be required in circumstances where people are agreeing to purchase or rent an apartment having been informed that there is no car parking space associated with said apartment. In other words, car ownership

figures in a dense residential development, such as that proposed, will be a function of the available car parking spaces.

11.6.16. The Mobility Management Plan (MMP) outlines the mobility strategy for the development, and the existing and proposed public transport and walking/cycling infrastructure in the area. Having reviewed the MMP, I am satisfied that the restricted car parking provision is sustainable in the context of a site that will allow future residents easy access to a range of non-car based transport options, a car sharing club option, and a range of retail and community facilities within a reasonable distance.

11.6.17. While I consider that the applicant has provided sufficient justification for the reduced car parking provision, I note that the applicant is not proposing to allocate the car parking spaces to particular apartments. The 'Estate & Common Area Management Strategy' states that the management company will manage and enforce the car parking strategy and that individuals who purchase an apartment will not be permitted to purchase a car parking space. In my opinion, the failure to link car parking spaces to individual apartments is likely to result in a scenario where the number of cars owned by residents exceeds the number of available car parking spaces, resulting in an increased likelihood of parking spillage into the surrounding area. It would be far preferable, in my opinion, for the car parking spaces to be allocated to particular apartments, with the exception of the visitor spaces and car club sharing spaces. In circumstances where on-site car parking provision is very limited and there is no available on-street parking on the immediate surrounding roads, I consider that it would be highly advisable to give certainty to residents about whether they have, or do not have, a parking space. This issue could be addressed by way of condition, should the Board be minded to grant permission.

11.6.18. Finally, with regard to the Planning Authority's concern regarding the precedent that the proposed development might set for reduced parking provision, I note that each case will be dealt with on its particular planning merits and that the NPF and the Apartment Guidelines emphasis the need to move from universal parking standards to a more tailored performance-based approach. The application site is somewhat unique in that it essentially comprises a Walled Garden with very little additional land outside of the garden. Any development proposal for the site therefore faces

significant constraints in terms of balancing matters of architectural heritage, sustainable residential development and sustainable transport arrangements.

11.6.19. In conclusion, while the Planning Authority recommends that planning permission be refused on the basis of inadequate car parking provision, I do not agree that this is an appropriate reason for refusal, having regard to the site's location in close proximity to public transport and within easy walking distances of community and retail facilities and the nature of the proposed development. I am satisfied that the development can be accommodated having regard to the quantum of parking proposed and the pedestrian and cyclist facilities proposed, subject to the imposition of suitable conditions.

11.6.20. **Traffic Impact**

11.6.21. A Traffic Impact Assessment (TIA), prepared by Barrett Mahony, accompanied the application. In addition, a Mobility Management Plan and a Quality Audit were included in the Parking and Mobility Study and the Civil Infrastructure Report, respectively. The proposed development will be accessed via a priority junction at an existing access point on Wyckham Place. As noted above, this road is a cul-de-sac which serves two apartment complexes, 3 No. traveller dwelling units and the Gort Mhuire complex. The road experiences a relatively low level of traffic, which I noted on my site inspection and in the traffic survey undertaken by the applicant. The Quality Audit identifies a number of problems with the development proposal, and I note that these have been generally addressed in the final design.

11.6.22. The TIA assessed the impact of the proposed development on the existing Wyckham Roundabout, a major intersection located c. 150m west of the application site which connects Wyckham Way, Wyckham Place and Ballinteer Road. A traffic survey was undertaken over a 12 hour period, which identified a weekday morning peak between 08:00 and 09:00 and an evening peak between 18:00 and 19:00, with the junction being heavily loaded during both peaks. The assessment was undertaken using trip generation figures based on the TRICS database. I note that a figure of 1.2 spaces per unit was used, which is clearly a very conservative assumption given the low car parking provision proposed. Utilising this conservative approach, the additional traffic volumes generated by the proposed development would represent a c. 1% increase in peak times flows at the Wyckham Roundabout, which is

significantly below the 5% criteria above which the Traffic and Transport Assessment Guidelines 2014 recommends that the traffic impact should be assessed in detail. Notwithstanding this, the applicant has provided this analysis for the existing flows, an opening year of 2021 and a projected design year of 2036 (utilising TII growth rates), with and without the proposed development. This analysis shows that the ratio of flow to capacity (RFC) for 2021 is virtually identical, regardless of whether or not the proposed development proceeds, with spare capacity remaining on all approaches. Similarly, in 2036, the RFC for both scenarios is virtually identical, although the forecast growth in traffic on the network means that Wyckham Way South is predicted to be over capacity during the morning peak, with Wyckham Way North approaching capacity during the evening peak.

11.6.23. I note that the Transportation Department of the Local Authority did not raise any objections to the principle of the development or the potential traffic impacts associated with it (other than the issue of car parking, which I have addressed above). Having regard to the location and nature of the proposed development in an area well-served by public transport, the low level of car parking provision, and the conservative approach taken in the TIA submitted, I am satisfied that the proposed development will not result in any significant additional traffic congestion in the area.

11.7. Architectural Heritage

- 11.7.1. As noted above, the application site forms part of a Protected Structure referred to as the 'Gort Mhuire Centre' (RPS No. 1453), which is described in the Record of Protected Structures as 'water gardens, garden walls and farm building complex, house, ornamental ironwork, conservatory and water tower'. I note that the application site comprises the Walled Garden and outbuildings (also referred to as the Stable Yard), and that the remainder of the Gort Mhuire complex is under separate ownership.
- 11.7.2. Conservation Reports, prepared by Historic Building Consultants, address the history and condition of the Walled Garden and Stable Yard. The Walled Garden appears to date from the 1830s, with the Stable Yard dating from the 1850s with later additions. The walls of the Walled Garden are c. 4m high and are relatively intact. They are primarily constructed of granite rubble, with some areas of brick. Little else remains within the garden area, other than the remains of a circular basin which was

originally associated with a fountain. It appears that a granite rim surrounded the basin until recently, however this is now missing from the site. Considerable amounts of refuse and construction materials have been dumped within the garden area and it is heavily overgrown in areas. The Stable Yard is in considerably poorer condition than the Walled Garden, having suffered fire damage, and it is essentially a roofless shell with areas of collapsed walls.

11.7.3. **Construction and Restoration Works**

- 11.7.4. Survey drawings (including an annotated photographic schedule of the Walled Garden and outbuildings) and a Structural Report, undertaken by Jones Engineering and Barrett Mahony Engineers, respectively, were submitted with the application. While the walls are generally stated as having good stability, albeit with numerous cracks and missing stones/pointing, the outbuildings are indicated as having generally poor stability. Parts of the existing structures are covered in considerable vegetative growth, and there are numerous areas of Japanese Knotweed within the site. The Structural Report includes additional condition photographs and site investigation results regarding the foundations of the stone walls and provides a method statement for vegetation removal and repairs to the wall, including proposals for monitoring structural stability during the construction phase. I note that a methodology for masonry and mortar repair is separately contained within the Conservation Reports.
- 11.7.5. A Survey Report & Management Plan for the control and eradication of Japanese Knotweed is also contained within the CEMP and I note that it entails the removal of c. 5,800 cu m of soil, and lengthy excavations of up to 1.8m in depth in close proximity to the walls, to ensure rhizome removal. The Structural Report states that underpinning of the walls may be required to facilitate these works.
- 11.7.6. The structural report states that piled foundations will be utilised to minimise excavations, and that the entrance to the Walled Garden may have to be widened during the construction phase to accommodate a piling rig and construction vehicles, and subsequently reinstated.
- 11.7.7. While the Local Authority's Conservation Officer did not object to the proposed development, she considered that the methodology and specifications provided by the applicant for the repair of the stone structures was overly generic in nature. In the

event of permission being granted, the Conservation Office therefore recommended conditions, including the engagement of a Conservation Architect during the course of the project to oversee and monitor works to the walls and outbuildings, to only use contractors with proven experience in the repair of historic structures and submission of a more detailed structural survey, including mortar analysis, analysis of repair method and a method statement.

11.7.8. Having regard to the separation distance of the proposed apartment buildings from the stone walls (typically greater than 8m), the absence of a basement and the proposal to use piled foundations, I accept the applicant's contention that there will be little disruption to the existing walls. This is, however, subject to appropriate specifications, materials, methodologies and monitoring, and I therefore consider the Conservation Officer's suggested conditions to be reasonable. Subject to such conditions, I consider that the proposed development would result in the long-term enhancement and preservation of the protected structures.

11.7.9. An Taisce has queried the arrangements for the future maintenance of the Walled Garden. While the inside face of the walls can be readily accessed and maintained from within the site, the site boundaries are generally tight to the walls and it is unclear, therefore, how repair and maintenance work to the outer face of parts of the walls can be undertaken without access from third party lands. I note that no adjoining landowners have made observations in relation to this matter, and permission to access the outer face of the walls from adjoining lands may or may not therefore exist. Notwithstanding this, it is clear that the walls are currently deteriorating with the passage of time, and should this development not proceed, then they are likely to become further degraded. I note, also, condition 8 of the recent permission for a new school to the north of the application site (Ref. ABP-303041-18) which requires the developer to monitor the northern wall of the Walled Garden during the construction phase. I consider that this issue can best be addressed by way of condition, requiring full details of restoration work and maintenance proposals to be agreed with the Local Authority prior to commencement.

11.7.10. With regard to phasing, the Conservation Officer considered the applicant's proposal to restore the outbuildings as part of Phase 2 to be acceptable. I would concur with the Conservation Officer in this regard, however I consider that the applicant's

proposal to undertake the repair works to the walls of the Walled Garden as part of Phase 5 (i.e. the final phase) to be sub-optimal. Given the extent of the walls, and the likely time-consuming and costly nature of the repair works, I consider it appropriate that these works take place at an earlier stage of development. Phase 3 comprises the construction of the first two apartment blocks (Blocks B and C), and I consider that the repair and repointing works to the walls should take place within this Phase of development. This issue can be addressed by way of a condition requiring a new Phasing plan, should the Board be minded to grant permission.

11.7.11. Impact on Character of Protected Structures

11.7.12. The previous development proposal on the application site (Ref. PL06D.246252) was refused for reasons which included the impact it would have on the protected structures. As noted in Section 11.4 above, I consider that the current proposal represents a significant improvement on the previous approval, and that the current design approach is less monolithic, with the development split into four blocks arranged around a central courtyard area. This reduced footprint, allied with increased separation distances from the stone walls, serves to break up the massing and reduce the overbearing impact on the Walled Garden and Stable Yard to an acceptable level in my opinion.

11.7.13. I consider that the relatively simple contemporary design treatment and the choice of materials, including a robust brick finish in two colours to the main structures and a glazed set back to the fourth floor apartments, will soften the impact of the development and complement the existing stone and finishes of the protected structures.

11.7.14. I consider that restoring the Stable Yard structures in line with their original footprint, height and roof profiles, and bringing them back into everyday use for communal functions such as concierge office, gym, media suite, bin and bicycle storage, would represent a degree of planning gain, that would increase their accessibility and secure their preservation into the future.

11.7.15. The Conservation Officer considered the scale, height and massing of the proposed development to be excessive within the Walled Garden context. I would not agree. I consider that the height is appropriate on this site, which is in close proximity to apartment developments of greater height and which is well served by public

transport. In addition, the existing stone walls are c. 4m high, and I consider that the height allied to the separation distances between the blocks and the landscaping proposals, strikes an appropriate balance between respecting the historic character of the Walled Garden and delivering an appropriate quantum of residential development on this residentially zoned site.

11.7.16. With regard to the potential impact on the adjacent Gort Mhuire complex, which the application site was previously associated with, but which is now in separate ownership, I concur with the applicant's Historic Buildings Consultant that the location of the Gort Mhuire house on elevated lands, angled away from the application site, with mature planting between the two sites would serve to mitigate any potential adverse impacts. The proposed development would also sit within a vista of existing apartment development of comparable or greater height. The mock castle style water tower is also located on elevated grounds with trees separating it from the application site, and I do not consider that the proposed development would have a significant adverse effect on the setting or character of any structures within the Gort Mhuire complex. The photomontages from viewpoints 5, 6 and 7 are illustrative in this regard.

11.7.17. In conclusion, I consider that, subject to appropriate conditions, the proposed development will return a neglected historic asset back into active use and will not have a significant adverse impact on the character of any protected structures.

11.8. **Ecological Issues**

11.8.1. Notwithstanding the location of the site within a built-up suburban area, I consider that the potential impact of the proposed development on ecology should be considered, particularly given the presence of long-disused stone structures and various vegetation types on the site. I have addressed the potential effects on Natura 2000 sites separately in Section 12.

11.8.2. The applicant has submitted an Ecological Impact Assessment and Outline Construction Environmental Management Plan (CEMP) with the application, both prepared by Altamar Marine and Environmental Consultancy.

11.8.3. Having regard to the nature of the proposed development, which will include connections to public foul and surface water networks, and the suburban nature of

the area, I consider that potential impacts on ecology primarily arise during the construction phase, as a result of site clearance, disturbance of species and removal of potential habitats.

- 11.8.4. With regard to habitats currently present on the site, these comprise a mix of recolonising bare ground, buildings and artificial surfaces, a treeline and areas of scrub. No rare or protected habitats or plant species were noted, however there are several stands of Japanese Knotweed present in various parts of the site, and the EclA notes that the site has been utilised as a dumping ground for construction waste material. A bat survey was carried out, and no evidence of past or current use of any of the on-site structures or trees by bats was found. The large expanse of ivy on the north eastern corner of the site on the boundary wall and the bark of the large pines at the south of the site were, however, considered to be of note for potential roosting for individual bats. The only mammal signs found within the site was fox activity, although a badger sett was noted c. 30m east of the site, within the Carmelite Order lands. No rare bird species, or species of conservation value were noted, and those seen included wren, robin, blackbird, blue tit and great tit.
- 11.8.5. The EclA sets out a series of mitigation measures, including no removal of trees or shrubs during the nesting season, compliance with a Survey Report & Management Plan that has been prepared for the eradication of Japanese Knotweed and pre-construction mammal (including bat) surveys.
- 11.8.6. The EclA concludes that the proposed development is not likely to result in any significant ecological impacts, and having regard to the mitigation measures proposed and the results of the site surveys, I consider this conclusion to be reasonable.
- 11.8.7. I note in this regard that neither the Planning Authority nor the Department of Culture, Heritage and the Gaeltacht objected to the proposed development on ecological grounds, subject to the inclusion of suitable conditions. These include ensuring that vegetation clearance occurs outside of the main bird breeding season, that the mitigation measures and methodologies set out in the EclA are implemented in full, that the pre-construction surveys are submitted to the NPWS and that a qualified ecologist is employed to monitor the site during construction.

11.8.8. In conclusion, I generally concur with the conclusions of the applicant's EclA and, subject to compliance with suitable conditions, I do not consider that the proposed development is likely to have any significant adverse ecological impacts.

11.9. Site Services and Flooding

11.9.1. The application was accompanied by a Civil Infrastructural Report, prepared by Barrett Mahony Consulting Engineers, which addresses surface water drainage, foul drainage, water supply, flood risk and traffic engineering (addressed elsewhere in this report).

11.9.2. With regard to surface water drainage, a simple gravity network is proposed, connecting to an existing 225mm diameter surface water sewer on Wyckham Place, which connects to an existing 600mm diameter surface water sewer located on Wyckham Way, which ultimately outfalls to the River Dodder. An attenuation tank with a capacity of 285m³ is also proposed within the site, limiting outflow from the site to 1.5 l/s. The attenuation tank would also work as an infiltration system with permeable base and sides, although the design assumes no infiltration and hence the size of the tank is conservative. Site investigation works, details of which were submitted with the application, demonstrate that the ground conditions are favourable for infiltration, however given the proximity of the residential buildings, I consider the applicant's conservative approach to be advisable. In addition to the attenuation tank, I note that c. 62% of roof areas will comprise green roofs which are designed to retain 10-12 litres/sq m of rainwater, and that permeable paving is proposed in certain areas. The volume of this interception storage is in excess of requirements under Criterion 1 of the Greater Dublin Strategic Drainage Study.

11.9.3. With regard to foul drainage, a 225mm diameter system is proposed, connecting to an existing 225mm foul sewer that runs along Wyckham Place.

11.9.4. With regard to water supply, there is an existing 160mm watermain located along Wyckham Place, which it is proposed to connect to.

11.9.5. A Confirmation of Feasibility letter from Irish Water was submitted with the application and I note that Irish Water's subsequent submission to the Board states that, subject to a valid connection agreement between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

- 11.9.6. A Flood Risk Assessment (FRA) for the site has been carried out and is included in Section 3.0 of the Civil Infrastructure Report. The FRA states that OPW mapping shows that no flooding incidents have been recorded on the site or in the adjacent area. The OPW Preliminary Flood Risk Assessment (PFRA) mapping also indicates that the site is outside of flood risk areas. The site is considered to be located in Flood Zone C, where the probability of flooding from rivers and the sea is low (i.e. less than 0.1% or 1 in 1000 for both river and coastal flooding). While residential development is classified as 'highly vulnerable development', it is considered 'appropriate' in Flood Zone C under the matrix set out in the Planning System and Flood Risk Management Guidelines for Planning Authorities.
- 11.9.7. I note that no objection to the drainage and water supply proposals have been raised by the Local Authority or Irish Water. The Local Authority's Municipal Services Department consider the applicant's proposals to be generally acceptable, subject to certain conditions regarding clarifications and agreements on matters of surface water management, green roof design, construction stage runoff management, SuDS maintenance etc. With regard to flood risk, they state that they are satisfied that the proposal is in accordance with Appendix 13 of the Development Plan with respect to flood risk, subject to the condition that flood flow paths do not contain any engineering, architectural or landscaping features, other than proposals submitted as part of the planning application, that would have the potential for obstruction of flowpaths.
- 11.9.8. In conclusion, I consider the proposed site services and surface water proposals to be satisfactory, subject to appropriate conditions, and I do not consider that the proposed development is likely to be at significant risk from flooding or that it would increase the likelihood of flooding to other lands in the area.

11.10. Crèche Requirement

- 11.10.1. The proposed development does not include the provision of a crèche, and the applicant has submitted a Crèche Assessment, prepared by McGill Planning, which seeks to justify this omission.
- 11.10.2. A submission received from the Dún Laoghaire-Rathdown County Childcare Committee states that they have read the submitted Crèche Assessment, and they

observe that there is no capacity available in existing services. The Planning Authority considers that in light of the information presented by the applicant, they accept that there is no need for a childcare facility in this instance.

11.10.3. I note that Section 4.7 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) states:

“Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.”

11.10.4. While applying the provisions of the 2001 Planning Guidelines would give rise to a requirement for 31 No. childcare places, I accept the applicant’s contention that the unit mix within the proposed development would not be likely to generate this number of children. The applicant has sought to identify the likely demand for childcare places by omitting the one-bedroom units (in line with the 2018 Apartment Guidelines), and applying CSO figures for the percentage of the population in the area aged from 0-4, and the percentage of children in Dublin who attend creche or pre-school (25%). This results in a requirement for up to 3 No. places.

11.10.5. The applicant has undertaken an audit of childcare facilities in the area, identifying 16 No. facilities, with 10 No. of these within 1km of the site. While the survey found that there is little or no capacity within these existing facilities, the applicant has also identified 3 No. recent permissions, which will provide a further c. 100 places in the area.

11.10.6. Having reviewed the Crèche Assessment, and having regard to the nature of the proposed development, which comprises a significant proportion of one-bedroom units, with the remainder being two-bedroom, and noting the provisions of the 2018

Apartment Guidelines, I consider that the applicant has provided adequate justification for the omission of a childcare facility from the proposed development.

11.11. Other Issues

11.11.1. Part V Provision

11.11.2. The applicant's proposal for complying with the requirements of Part V of the Planning and Development Act 2000, as amended, is to transfer 11 No. on-site units to the Council, or a nominated Approved Housing Body. The 11 No. units are all located in Block B (the north western block) and they comprise 7 No. one-bedroom apartments and 4 No. two-bedroom apartments. Indicative unit costs are €250,443 for one-bedroom units and €426,467 for two-bedroom units.

11.11.3. A letter from the Housing Department of Dún Laoghaire-Rathdown County Council to the applicant, dated 17th May 2019, confirms that the proposal is capable of complying with the requirements of Part V.

11.11.4. One of the third party observers contends that the concentration of Part V units in one part of the site may be interpreted as an attempt at minimising the level of integration of the different types of tenure.

11.11.5. Given the relatively small scale of the site, and the somewhat unique character of the proposed development, which will provide four blocks within a Walled Garden, gathered around a central courtyard area of open space and with shared community facilities, I consider that the Part V units are appropriately integrated within the overall development and that no attempt has been made to segregate or physically distinguish the different types of tenure. I note in this regard that Block B includes both Part V and non-Part V units at each level. I therefore consider the Part V proposals to be acceptable from a planning perspective, and recommend that a standard condition requiring a Part V agreement be imposed, in the event of permission being granted.

11.11.6. Condition of Wyckham Avenue/Wyckham Place

11.11.7. It appears that Wyckham Place (also known as Wyckham Avenue) is a private road, with the applicant submitting details of their right-of-way over this road. A third party contends that the condition of the road is deteriorating and that the applicant should

be required to bring the road up to taking-in-charge standard including remedial works, or that alternatively, a special financial contribution should be required.

11.11.8. On my site inspection I noted that the road is in reasonably good repair, and that it has footpaths and cyclepaths. It is not apparent to me that any significant remedial works are required at present, and given that Wyckham Place/Avenue is not a public road, it would not be appropriate, in my opinion, to require a special contribution for works to that road. I consider that this issue can best be addressed by means of a detailed Construction Management Plan to include construction traffic management, and a bond to ensure that public roads are appropriately reinstated. Any works to the private road that are required as a result of the proposed development would primarily be a matter for agreement between the relevant parties.

11.11.9. **Archaeology**

11.11.10. While there are no recorded archaeological features or sites within the application site, the site is of architectural heritage interest. The Department of Culture, Heritage and the Gaeltacht recommends that an archaeological monitoring condition be included, should permission be granted, in order to mitigate impacts on any previously unidentified archaeological remains. Notwithstanding the lack of evidence for archaeological remains within the site, I consider this approach to be reasonable, given the extent of excavation that will be required for foundations, services and eradication of Japanese Knotweed. Should the Board be minded to grant permission, I therefore recommend that an archaeological monitoring condition be included.

11.11.11. **Construction Management Plan**

11.11.12. The applicant submitted both a Construction Management Plan (prepared by Barrett Mahony Consulting Engineers) and an Outline Construction Environmental Management Plan (prepared by Altemar Marine & Environmental Consultancy) with the application. There is a significant degree of overlap between these two reports, and I note that the Waste Section of the Planning Authority considers that there are discrepancies between the two reports and that many of the measures set out in the OCEMP are preferable to the CMP.

11.11.13. Should the Board be minded to grant permission, I recommend that a condition be included requiring the submission of a revised Construction

Management Plan for the agreement of the Planning Authority, in order to address environmental impacts arising from construction, as well as construction traffic management, and construction waste management.

12.0 Appropriate Assessment

12.1. An Appropriate Assessment Screening Report was submitted with the application.

The report describes the development and notes that the site is not located within or directly adjacent to any Natura 2000 sites. The following Natura 2000 sites that are within 15km of the site and their distance from the application site are identified:

- South Dublin Bay SAC (Site Code 000210): 4.2km.
- Wicklow Mountains SAC (Site Code 002122): 5.6km.
- Knocksink Wood SAC (Site Code 000725): 7.9km.
- North Dublin Bay SAC (Site Code 000206): 9.2km.
- Glenasmole Valley SAC (Site Code 001209): 8.9km.
- Ballyman Glen SAC (Site Code 000713): 9.5km.
- Rockabill to Dalkey Island SAC (Site Code 003000): 9.9km.
- Howth Head SAC (Site Code 000202): 13.8km.
- Bray Head SAC (Site Code 000714): 13.9km.
- Baldoyle Bay SAC (Site Code 000199): 14.8km.
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024): 4.4km.
- Wicklow Mountains SPA (Site Code 004040): 5.8km.
- North Bull Island SPA (Site Code 004006): 9.4km.
- Dalkey Islands SPA (Site Code 004172): 9.7km.
- Baldoyle Bay SPA (Site Code 004016): 14.8km.

12.2. The proposed development is primarily contained within an area surrounded by existing stone walls within a suburban setting. There are no watercourses in the vicinity of the site.

- 12.3. All foul water from the proposed development will be discharged via the public system to the Ringsend Waste Water Treatment Plant. Permission has recently been granted (ABP-301798-18) for works which will increase the capacity of the plant from 1.9m PE to 2.4m PE. The plant provides a high level of treatment before discharge to Dublin Bay.
- 12.4. Surface water from the site will be discharged at greenfield run-off rates via attenuation tanks to the public surface water drainage system.
- 12.5. Having regard to the above, the suburban nature of the surrounding area and the residential nature of the proposed development, I consider that the only potential pathways between the application site (source) and the Natura 2000 sites (receptors) would relate to drainage during construction and operation. Due to the nature of the application site and the proposed development there is no direct pathway to a Natura 2000 site, however there is a potential indirect pathway to coastal SACs and SPAs via the surface and foul drainage network and Ringsend WWTP.
- 12.5.1. With regard to non-coastal sites such as the Wicklow Mountains SAC and SPA, Knocksink Wood SAC, Glenasmole Valley SAC, Ballyman Glen SAC, Howth Head SAC and Bray Head SAC, there is no direct or indirect hydrological pathway, and consequently no likelihood of significant effects on these sites in view of their qualifying interests and conservation objectives.
- 12.6. With regard to the coastal sites, such as South Dublin Bay SAC, North Dublin Bay SAC, Rockabill to Dalkey Island SAC, Baldoyle Bay SAC and SPA, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, Dalkey Islands SPA, while there is theoretically an indirect hydrological pathway between the application site and these site via the public drainage system and the Ringsend WWTP, I consider that the distances are such that any pollutants would be diluted and dispersed, and ultimately treated in the Ringsend plant, and I am therefore satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them in view of their qualifying interests and conservation objectives.

12.7. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up suburban area and the distances to the nearest European sites, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13.0 Recommendation

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

14.0 Reasons and Considerations

14.1. Having regard to:

- (a) the site's location within an area with a zoning objective that permits residential development in principle;
- (b) the policies and objectives of the Dún Laoghaire-Rathdown County Development Plan 2016-2022;
- (c) The nature, scale and design of the proposed development and the availability in the area of a wide range of community, social, retail and transport infrastructure, including Dundrum Town Centre and the Green Luas line;
- (d) the pattern of existing development in the area;
- (e) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (f) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

- (g) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (h) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (i) i) The Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018;
- (j) the submissions and observations received

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

15.0 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.

Reason: In the interest of clarity.

2. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:

- (i) The proposed new opening in the northern boundary wall of the Walled Garden to provide pedestrian access to the adjacent school grounds shall be omitted;
- (ii) The circular stone fountain structure previously located in the centre of the Walled Garden shall be reinstated/replaced as part of the landscaping scheme;

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

3. Prior to commencement of development, a revised phasing programme for the development shall be submitted to the planning authority for agreement. This phasing programme shall ensure that no more than two apartment buildings are constructed prior to the substantial completion of restoration works to the Stable Yard buildings and the perimeter walls of the Walled Garden.

Reason: To provide for the orderly development of the site.

4. Each apartment shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

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

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The mitigation and monitoring measures outlined in the Ecological Impact Statement submitted with this application, including the measures for the control and eradication of Japanese Knotweed, shall be carried out in full, except where otherwise required by conditions of this permission; and the pre-construction mammal (including bat) survey shall be submitted to the Planning Authority prior to the commencement of development.

Reason: To protect the environment.

7. Prior to commencement of development, the developer shall provide for the following:

- (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.
- (b) The submission of details of all finishes and of all existing original features to be retained and reused where possible.
- (c) The submission of a method statement and specifications for the repair work to the Stable Yard building and the Walled Garden.
- (d) All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October 2011. The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

8. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:
- (a) 5 No. car parking spaces shall be reserved for communal car sharing use only and shall be clearly delineated and signed for such use;
 - (b) All other car parking spaces, with the exception of visitor parking, shall be sold off with the residential units and shall not be sold separately or let independently;
 - (c) The roads and traffic arrangements serving the site (including footpath connections and signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense;

- (d) The roads layout including junctions, parking areas, footpaths, cyclepaths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Urban Roads and Streets and with any requirements of the Planning Authority for such road works;
- (e) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works;
- (f) One car parking space per ten residential units shall have a functional electric vehicle charging point, and all other car parking spaces shall be provided with suitable ducting to allow for the future provision of charging points.
- (g) 311 No. bicycle parking spaces shall be provided within the site. Details of the location and layout of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

9. 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 development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

10. 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.

11. 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. The following specific requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development, unless otherwise stated:

- (a) Full details of proposed green roofs including a construction and maintenance plan;
- (b) Stage 2 Detailed Design Stage Storm Water Audit;
- (c) Upon completion of the development, a Stage 3 Completion Stage Storm Water Audit;
- (d) Details of flow restricting devices, catchpit manhole locations, drainage arrangements at entrances to each building and the 285 cubic metre attenuation tank.

Reason: In the interest of public health.

12. Proposals for the development name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment 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 placenames for new residential areas.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall

be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

14. 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, inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise and dust management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.

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

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

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

16. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

17. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in

particular, recyclable materials and for the ongoing operation of these facilities 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.

18. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

19. Prior to commencement of development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the in the submitted Tree Survey Report. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance

of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.

Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

20. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, following demolition, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site.

21. 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.

22. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

23. 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.

Niall Haverty
Senior Planning Inspector

30th August 2019