



An
Bord
Pleanála

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

Inspector's Report ABP-305176-19

Strategic Housing Development

Demolition of existing structures, construction of a mixed use development to include 232 no. Build to Rent apartments and associated site works.

Location

Stillorgan Leisureplex, Old Dublin Road, Stillorgan, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

KW Investment Funds IVAC.

Prescribed Bodies

1. Irish Water
2. Transport Infrastructure Ireland

Observer(s)

Appendix A lists 51 no. observers.

Date of Site Inspection

10th of October 2019.

Inspector

Karen Hamilton

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site (0.79ha) is currently occupied by the Lesuireplex recreational building and car park and is located in the centre of Stillorgan, Co. Dublin. The site is bound to the south by the Kilmacud Road Lower, to the west the Old Dublin Road and to the north St Laurence's Park. Dun Laoghaire Rathdown County Council (DLRCC) own lands directly adjoining the site to the east, which also abuts the N11, and contains a single storey prefabricated public library and a row of derelict two storey housing units to the east and on the corner of St. Laurence Park to the north. A 2 storey commercial block, Nimble Fingers, sits on the western corner of the site.
- 2.2. The Stillorgan Village centre and shopping centre are located to the west of the site on the opposite side of the Old Dublin Road and ground levels fall from west to east across the site, towards the N11 from the Village Centre. A residential development (student and apartment) has recently been permitted at the 'Blakes/ Esmonde Motors' site on the opposite side of Kilmacud Road Lower to the south (ABP-300520-18).
- 2.3. The documentation on file states that Dun Laoghaire Rathdown County Council (DLRCC) are currently developing proposals for a new residential development and library at their lands to the immediate east of the site, facing the N11, and are currently at an advanced stage of submitting a Part VIII proposal. The applicant has set aside some of the lands within their ownership to be developed as part of the DLRCC lands.
- 2.4. The applicant has advertised the proposal as a material contravention of both the Dun Laoghaire Rathdown County Development Plan 2016-2022 (CDP) and the Stillorgan Local Area Plan 2018-2024 (LAP) and a Statement of Material Contravention accompanied the application.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of the demolition of existing buildings on sites (3,789m²), which is the Stillorgan Lesuireplex, and the construction of 232 Build To Rent (BTR) units, 2 no retail units and 4 no restaurant/café units and all other associated works as summarised below:

Table 1: Key Figures

Site Area	0.79ha
No. of units	232 BTR
Density (nett)	294 units/ha
Height	Range 2- 8
Plot Ratio	1: 3.8
Site Coverage	58%
Open Space provision	Public plaza (827m ²) Other including tenant amenity space (c. 1,021m ²) 15.4%
Parking	162 cars/ 458 bicycles/ 10 motorcycles
Retail	2 no. total area 1,049m ²
Café/restaurants	4 no. total area 806.3m ²

Table 2- Apartment Type

Unit Type	No. of Units	%
Studio	10	4
1-bed	113	49
2-bed	109	47
Total	232	100

- 3.2. The proposal integrates public realm works, including a pedestrian plaza, around the site adjoining Lower Kilmacud Road, Old Dublin Road and St Laurence's Park and a pedestrian crossing is proposed between the site and the Stillorgan Shopping Centre

to the west. Two areas of land to the east of the site, within the applicant's ownership, are set aside for the future use of DLRCC for a potential Part VIII in the future.

3.3. The application was accompanied with the following documentation:

- Strategic Housing Development Application Form, including Consent from DLRCC, Letters to Statutory Consultees and Irish Water Letters;
- Application fee
- Site Notice
- Newspaper Notice
- Digital copy – CD;
- Part V proposal;
- Architectural Drawings, Schedule and Design Statement;
- Housing Quality Assessment and Schedule of Areas;
- Response to ABP Opinion;
- Public Realm and Landscape Report and drawings prepared by Mitchell Associates Landscape Architects, including tree survey and arborist report;
- Statement of Response to An Bord Pleanála Opinion Associates;
- Statement of Material Contravention;
- Community Audit;
- EIAR Screening Report;
- Statement of Consistency;
- Childcare Services Audit;
- Retail Impact Statement;
- Engineering Assessment Report;
- DMURS Statement of Consistency;
- Construction Management Plan;
- Mobility Management Plan;
- Car Parking Rationale;
- Flood Risk Assessment;
- Traffic and Transport Assessment;

- Storm Water Audit;
- Road Safety Audit;
- Sunlight and Daylight Access Analysis
- Archaeological Desktop Assessment;
- Appropriate Assessment Screening
- Building Life Cycle Report;
- Operational Management Plan;
- Operational Waste Management Plan
- Noise Assessment
- Hydrological & Hydrogeological Qualitative Risk Assessment
- Microclimate Assessment

4.0 Planning History

Subject Site

PL06D.211851 (Reg. Ref. D04A/1254)

Permission refused for a mixed use development on a 1.59 hectare site comprising Stillorgan Leisureplex, Nos. 62-79 St. Laurence Park, Stillorgan Library and adjacent Council-owned land. The demolition of all existing buildings and construction of 314 no. residential units, 2,238m² retail, 3,938m² office, 3,719m² leisure/recreational, 486m² crèche, 1,019m² library and ancillary car parking in 15 no. mixed-use blocks up to 15 storeys high, 528 no. car parking spaces etc.

- (i) premature pending the adoption of the Stillorgan LAP;
- (ii) premature pending the adoption of an integrated traffic management plan for Stillorgan and environs as per the County Development Plan;
- (iii) it would comprise overdevelopment of the site by reason of excessive density, scale, height, mass and bulk on a prominent corner site and would be visually obtrusive;
- (iv) that the design, layout and relationship with surrounding blocks would result in a substandard form of development providing for a poor standard

of living in relation to daylight, shadowing and public and private amenity space; and,

- (v) by reason of layout, density, scale and height it would contravene the zoning objective for the site.

Adjoining Site on opposite side of Lower Kilmacud Road.

ABP-300520-18 Former Blakes and Esmonde Motors Site

Permission granted by ABP for a SHD development comprising 179 no. student accommodation units (**576 no. bed spaces**) student amenities such as gym, study spaces and communal lounges; **103 no. residential apartment** units including private balconies/terraces on all elevations and comprising of 24 no. 1 bed units, 70 no. 2 bed units and 9 no. 3 bed units; 907m² of retail/restaurant/café/co-working space, and a community sports hall (297.6m²).

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 20th of March 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development as summarised below:

1. Further consideration of the **building height and quantum of development** in the context of the Stillorgan Local Area Plan 2018-2024, the Building Height Strategy set out as Appendix 9 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Urban Development and Building Heights Guidelines for Planning Authorities.
2. Further consideration / justification **to accessibility, permeability, interaction with the public realm, roads and cycle layouts** in the proposed development. This consideration and justification should have regard to, inter alia, the guidance provided in the Stillorgan Village Area Movement

Framework Plan; the objectives of the Stillorgan Local Area Plan 2018-2024, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and associated Urban Design Manual and DMURS.

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

1. A site layout plan and relevant documentation indicating pedestrian and cycle connections and demonstrating how consistency and how the proposal deviates from the Stillorgan Village Area Movement Framework Plan and compliance with the Stillorgan Local Area Plan 2018-2024 and DMURS.
2. Car parking rationale and details of parking management.
3. Landscape and Visual Impact Assessment including consideration of cumulative impacts including the adjacent development permitted under ABP-300520-18 and indicative proposals for the adjoining lands owned by Dun Laoghaire Rathdown County Council.
4. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed, to include consideration of the frontages of the scheme to Lower Kilmacud Road, Old Dublin Road and St. Laurence Park. Additional cross sections, CGIs and visualisations should be included in this regard.
5. Details of proposed works to the public realm at Lower Kilmacud Road, Old Dublin Road and St. Laurence's Park, to include consent from relevant landowners where necessary.
6. A daylight / sunlight study to include consideration of (i) daylight levels at open spaces within the proposed scheme and (ii) shadow impacts on St. Laurence Park and the adjoining lands owned by Dun Laoghaire Rathdown County Council.
7. Additional drainage details.
8. Retail Impact Assessment.

5.3. Applicant's Statement

5.3.1. Introduction

The following changes have been incorporated in response to the Pre-Application Opinion:

- The floor space quantum has been reduced by 2,156m² now providing 30,472m².
- Reduction in height from 9 to 8 storeys and 8 to 5 storeys.
- Reduction in massing of the central block to allow additional sunlight.
- Increase in the plaza area from 698m² to 827m².
- Reduction in basement levels to allow a similar height and public realm treatment to the DLR lands
- A reduction in massing to the Old Dublin Road (6 storeys reduced to 5 storeys and penthouse) to obviate any perceived overbearing on the Nimble Fingers block when viewed from the Village Centre and to further reduce the overall massing and scale.

5.3.2. The following **documentation** has been submitted as requested:

- A site layout plan and relevant documentation demonstrating how consistency with the Stillorgan Village Area Movement Framework Plan in relation to the diagonal pedestrian connection is not required. Compliance with the Stillorgan Local Area Plan 2018-2024 and the framework design for the site has not been achieved and the proposed development has been advertised as a material contravention.
- The Car Parking Rationale submits the justification for a parking ratio of 0.41 having regard to the location of the site and the provisions of the apartment guidelines.
- Landscape and Visual Impact Assessment with photomontages and 3D modelling has been submitted illustrating the adjacent development permitted under ABP-300520-18 and indicative proposals for the adjoining lands owned by Dun Laoghaire Rathdown County Council.

- A detailed landscaping plan for the site, including the surrounding lands and public realm and all relevant consents.
- Inclusion of additional points have been assessed and the revised assessment of the daylight and sunlight assessment to consider consideration of (i) daylight levels at open spaces within the proposed scheme and (ii) shadow impacts of St. Laurence's Park and the adjoining lands owned by Dun Laoghaire Rathdown County Council
- Additional drainage details having regard to the report of the Drainage Division of the planning authority.
- A Retail Impact Assessment to indicate that having regard to the scale of the proposed commercial element the proposal will not have an adverse effect on the vitality and viability of the retail functioning of Stillorgan District Centre.

6.0 Relevant Planning Policy

6.1. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions 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 Standards for New Apartments – Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (DMURS)
- Urban Development and Building Heights – Guidelines for Planning Authorities
- Guidelines for Planning Authorities on Childcare Facilities (2001).

6.2. Dun Laoghaire Rathdown County Development Plan 2016-2022

The site is zoned DC, District Centre, where it is an objective "*To protect, provide for and/or improve mixed use district centre facilities*".

'Residential', 'Restaurant', 'Shop – Major Convenience', 'Shop-Specialist', 'Shop-Neighbourhood', 'Shop-District', and 'Tea Room/Café' are all permitted in principle.

Specific Local Objectives

Chapter 9- Development plan Map 2 identifies the following Specific Local Objectives in the vicinity of the site:

- SLO 12 '*To implement and develop the lands at Stillorgan in accordance with the Stillorgan LAP*'.

Retail

- Policy RET 3- Retail Hierarchy – Stillorgan is designated as a district centre and higher density, mixed use development is encouraged.
- Policy RET 5- District Centres- Mixed use residential and commercial is appropriate.
- Section 3.2.6 – Specific Objectives for Stillorgan District Centre, including the promotion of residential mixed use development and a retail cap of 25,000m² for the Village.

Urban Design

Section 8.1.1.1- Policy UD1: Urban Design Principles

- Promote the guidance documentation in the manual

8.2.3.2 Quantitative Standards

- Density should be in line with the national guidance and those close to QBCs must be greater than 50 per ha.

8.2.8.2 Public/Communal Open Space – Quantity

- The requirement of 15m²- 20m² of Open Space per person shall apply based on the number of residential/housing unit, with lower than 20m² allowed where exceptional high quality is provided and a financial contribution in lieu will be applied.
- An absolute default minimum of 10% of the overall site area for all residential developments.

Height

An Advisory note (2016) accompanying the CDP states that Section 8.2.3.3. (design standards for apartments)–have been superseded by Ministerial Guidelines ‘Sustainable Urban Housing – Design Standards for New Apartments’ published by the Department of Environment, Community and Local Government (DoECLG) on 21st December 2015

- 8.1.2.3 Policy UD6: Building Height Strategy- The use of Appendix 9 and LAPs.
- Appendix 9 Building Height Strategy section 3.3 states that the N11, owing to its width, strategic importance and public transport facilities, has the potential to become an attractive urban corridor enclosed by taller buildings of high quality at locations which are also proximate to social and community infrastructure. Such developments have tended to range in height from 3 to 7 storeys. The width of the corridor at > 40m provides an opportunity for taller buildings to enclose this space.

Transport

2.2.8.3 Policy ST13: Bus Rapid Transit (BRT)

- The NTA’s ‘Greater Dublin Area Draft Transport 2016-2035’, lists Stillorgan Road (N11) QBC as a Priority 1 Quality Bus Corridor with the potential to upgrade to a BRT route.

Table 2.2.3: Proposed Bus Priority Schemes

- Sandyford Business Estate to Blackrock DART via existing QBC on Kilmacud Road Upper, Kilmacud Road Lower, existing QBCs on the N11 and Mount Merrion Avenue.

2.2.9.1 Policy ST19: Travel Demand Management*

- The aim is to reduce adverse impacts of car use and promoting the use of sustainable travel modes. Travel Demand Management places restrictions on car parking provision at key destinations to encourage public transport use.

Table 8.2.3.Parking Standards

Requirement is generally regarded as “standard”.

- Apartments- 1 space per 1-bed unit & 1.5 spaces per 2-bed unit
- Retail- 1 space per 50m² gross floor area (along public transport corridors)
- Café- 1 space per 15m² gross floor area.

8.2.4.12 Electrically Operated Vehicles

- 1 space per 10 residential units

6.3. Stillorgan Local Area Plan 2018-2024

The site is identified as a Key Development Site (**KDS**) “Leisureplex, Library and Environs” and includes part of the DLRCC lands.

Section 4.5.2 provides a framework for the site and the following points are noted:

- Redevelopment should include a **mix of uses** – commercial, retail, community, cultural and residential including council housing, public library, appropriate mix of social and affordable housing on DLRCC lands.
- **Commercial** uses to include evening uses. Retail Impact Assessment to be submitted. The PA will carefully consider the potential negative impacts of any proposals for Fast Food Outlets/Takeaways along the northern boundary with St Laurence Park.
- Benchmark **height** of 5 storeys across the site, with a landmark building of up to 9 storeys at the corner of the N11/Lower Kilmacud Road junction. The transition between the landmark height and the benchmark height must be designed to ensure that excessive massing or bulk in the overall design does not detract from the ‘landmark’ nature of the 9 storey element. Height should graduate downward at mutual boundaries with adjoining 2 storey properties with a maximum 3 storeys directly facing dwellings at St Laurence Park.
- Indicative **Plot Ratio** of 1:2.5.
- Create a **building line** that enhances a vital street frontage onto the Old Dublin Road and also Lower Kilmacud Road. Provide a high-quality public plaza/civic space at the corner of Old Dublin Road / Lower Kilmacud Road. Re-align Lower Kilmacud Road/ Old Dublin Road junction to tighten corners and increase pavement / public space.

- Provide pedestrian and cycle **permeability** through the site and improved accessibility to the N11 pedestrian underpass. Establish a strong pedestrian link along upgraded streetscape from shopping centre eastwards directly to QBC bus stop on N11.
- **Restrict access** directly from the Old Dublin Road to the LeisurePlex site and to provide residential only access via St Laurence Park, with a 'left in/left out' at Lower Kilmacud Road for all other uses.

Height

- BH1- Promote higher buildings in line with the Guidelines for appropriate building heights and the 'Site Framework Strategies' for the Key Development Sites
- BH2- This policy refers to the requirement for the submission of a visual impact assessment study to illustrate the impact on the context, especially on residential amenities and significant views, including visual modelling of proposals. Other analysis required include micro-climate impact, daylight, sunlight and overshadowing analysis.
- BH3 "*Consideration will be given to the application of upward or downward modifiers in relation to building heights, with reference to site characteristics and the protection of residential amenity*".

6.4. **Appendix 1 of the LAP Stillorgan Village Area Movement Framework Plan (SVAMFP)**

This non-statutory document produced by Dun Laoghaire Rathdown County Council dates to October 2015 has been included in the LAP as a preliminary design (April 2017) with the main recommendation for junction changes and movement of pedestrian and cyclist. It outlines proposals to enhance the public realm of the Stillorgan LAP area, including roads layouts for The Hill and Lower Kilmacud Road and improved pedestrian and cycle facilities.

6.5. **A Statement of Consistency with Planning Policy**

The proposed development is located on a brownfield site adjoining a main public transport corridor and the applicant has provided a detailed analysis of the national and local guidance, as summarised below:

- National Planning Framework (NPF) 2040, in particular Objective 3a, 4, 11 & 13.
- Rebuilding Ireland – Action Plan for Housing and Homelessness, in particular Pillar 4 dealing with Homelessness,
- Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities 2018 in particular SPPR 7 (residential amenities) and SPPR 8 (standards for BTR).
- Urban Development and Building Height Guidelines 2018, in particular SPPR 3 (CDP & LAP),
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), in particular the 12 criteria in the Urban Design Manual,
- Delivering Homes, Sustaining Communities (2008), in particular the provision of quality sustainable communities,
- Design Manual for Urban Roads and Streets (DMURS) (2013),
- Guidelines for Planning Authorities on Childcare Facilities (2001), having regard to the allowance in the Apartment Guidelines for no childcare for 1 bedroom units, the absence of a childcare facility is justified.
- Dun Laoghaire Rathdown County Council Development Plan 2016, in particular the Core Strategy, Design Principles and the Height Strategy.
- Stillorgan Local Area Plan 2018 – 2024, in particular the location as a District Centre.

6.6. A **Material Contravention Statement** has been prepared having regard to justification for the proposed height and quantum of development and the use of the access along St Laurence Park for both commercial and residential. I have addressed both issues separately below as per the material contravention statement.

Height and quantum of proposed development.

- The framework plan for the Key Development Site (KDS) refers to a height allowance of 5 across the site with a landmark building of up to 9 storeys and an indicative plot ratio of 1:2.5.

- The proposed massing for the site ranges from 4 to 8 storeys with the landmark building being provided on the DLRCC site.
- The height has been stepped down along the interface with St Laurence Park, Nimble Fingers Block and the DLRCC site.
- Building Height Objective BH3 of the LAP allows consideration for upward and downward modifiers as per Appendix 9 of the CDP. The height strategy allows for additional height in significant commercial or employment zones.
- It is submitted the proposed development complies with the upward modifiers in the development plan.
- The National Planning Framework (NPF) 2040 requires the provision of 40% of all new homes in urban settlements and presumes high density residential development along public transport corridors.
- Section 28 Urban Development and Building Height Guidelines 2018 require increased heights along public transport corridors, particularly brownfield and urban infill sites.
- SPPR 3 requires the planning authority to approve development which supports increased densities and higher buildings even where the specific objectives of the relevant development plan or LAP indicate otherwise.
- The submitted visual impact assessment considers the impact of the proposed development ranges from negligible to moderate.
- The provision of daylight, ventilation and views have been considered and the proposal minimise overshadowing as per the guidelines and the submission of a report from ARC supports this.
- A recent grant of permission for Blake's / Esmonde Motors , on the opposite side of the Lower Kilamcud Road (ABP – 300520-17) includes a permission for a 6 to 12 storey development which has been carefully considered and further supports the reasoning to permit the development under Section 37 (2) (b) (ii).

Commercial and Residential access via St Laurence's Park.

- The site development framework for the KDS restricts access to provide residential only access via St Laurence Park, with a “left in/left out” at Lower Kilmacud Road for all other users.
- The proposal includes two accesses both for residential and commercial as the proposed commercial is small (2 no. small retail units and 4 no. restaurant/café).
- Deliveries are accommodated by loading bays to the Old Dublin Road and Lower Kilmacud Road.
- The Guidelines for Sustainable Residential Development in Urban Areas 2009 and the Urban Design Manual states that routes should be accessible for everyone and as direct as possible. The proposal provides the most direct route possible.
- A statement of compliance with DMURS is submitted.
- Policy UD1 of the CDP states that places should connect to their surroundings.

Quantum of Car parking.

- Table 8.2.3 of the CDP requires 74 spaces for the commercial element where 66 have been provided.
- The car parking rationale justifies the provision of 0.41 spaces in line with the 2018 Apartment Guidelines and considers the location along the Stillorgan QBC (proposed BusConnects).
- SPPR 8 of the apartment guidelines states that the default for minimal or significantly reduced car parking should be set for BTR schemes.

6.7. Designated Sites

The site is located c. 2km to the south west of South Dublin Bay and River Tolka Estuary SPA (site code 004024) and c. 2km to the south west of South Dublin Bay SAC (site code 000210).

7.0 Third Party Submissions

7.1. A total of 51 no. submissions were received in relation to the proposal of which 2 no. of these are prescribed bodies, further detailed below in Section 9.0. The remaining submissions are from residents of properties in the vicinity, residents associations and local councillors and the issues raised are similar in nature, therefore, I have summarised into common themes below:

7.1.1. Development Plan Objectives

- The proposed development does not comply with the Stillorgan LAP or Specific Objective SLO12 of the CDP which requires the implementation of the LAP.
- The site specific objectives for this site from the LAP should be imposed on this development.
- The Board can only grant permission for a material contravention of the plan under Section 37 (2) (b) where it considers it can meet the criteria, which do not apply in this instance.
- The plot ratio has not been complied with and the actual figure for the calculation within the application is incorrect.
- The LAP was adopted following intensive public consultation.

7.1.2. Design and Layout

- The height and scale is out of character with the existing two storey dwellings.
- The LAP requires a maximum of 3 storeys along St Laurence Park and the proposed six storeys from Block 5 will overlook properties.
- The proposed height along St Laurence's Park should graduate downwards.
- The design would be detrimental to the development of the adjoining lands.
- The principle of the height has already been raised by An Bord Pleanála in the pre-application Opinion.

7.1.3. Traffic and Parking

- The area is already congested.

- There is a problem with both commercial and residential using the same entrance.
- The submitted statement of material contravention confirms that the vehicular access contravenes the plan.
- There is already a serious problem with parking for the residents in the vicinity.
- The information in the TTA is not correct as most of the residents leave before 08.00 and the library is busiest during day hours.
- The proposed car spaces amounts to 92 (there is no provision for a further 136 for the rest of the residential units).
- The TTA indicates that the greatest % increase in traffic flow will occur at Junction 3 (St Laurence Park and Old Dublin Road) although it does not consider the impact from the DLRCC site which will have a library, community and cultural centre and c. 60-80 social and affordable housing units.
- A report undertaken by the Council for their Stillorgan site was rejected having regard to the proposed access and impact on road infrastructure along St Laurence Park.
- Approximately 40% of the parking will be taken over by the commercial element.

7.1.4. Residential Amenity

- The proposal will cause overlooking on properties in the vicinity.
- The proposed balconies overlook No. 46-49 St Laurence Park.
- No 49, 3 & 8 Laurence Park will be particularly affected by Block 5.
- The Stillorgan LAP requires that the proposed development respects the existing residential amenities.
- The childcare spaces provided in the description is misleading and there should be childcare provision in the plan.
- The carpark will be open 24/7 and therefore will have a negative impact on the surrounding area.

- The treatment of commercial waste will have a negative impact on the resident's amenity along St Laurence Park.
- The plant associated with the application should be moved to the Kilmacud side of the site.
- Construction hours should be restricted.
- The Build to Rent residents will lead to a transient nature with no community.
- The Lesuireplex building is currently used by vulnerable members of the community and the closure will impact their lives.
- The Lesuireplex is used for teams to practice for both national and international competitions.
- The proposal includes a cinema to comply with the requirements for commercial leisure, although there is already one in Stillorgan Village.
- The proposed facilities will do nothing to support the objective to support the "*active lifestyles*".

7.1.5. Commercial activity

- It is unclear if the gym is open to the public and if the time of the classes will be restricted.
- The loss of the bowling alley on the site would be detrimental to the community.

7.1.6. Build to Rent (BTR)

- BTR schemes do not address the homeless crisis
- The site should be used for downsizing rather than small units.
- Should there be a downturn again it is unclear if the owner can sell the units during the 15 years.

7.1.7. Plans and Particulars

- The local members committee meeting on SHD took place after the deadline for close for observations.
- The units allocated to DLRCC for Part V is unclear i.e. ownership etc.

- The areas around the site, not within the applicant's ownership, should be finished to a high standard.
- The DLRCC development for the adjoining site, including library and maisonettes, has not gone for public consultations for a Part VIII scheme yet.

8.0 Planning Authority Submission

A submission to the SHD application was received from the Planning Authority on the 11th of October 2019 and includes a summary of the points raised in the submissions, the opinion of the Elected Members and the Chief Executive Views which recommend a refusal of permission having regard to the impact on the amenities of the adjoining residents, the design, overdevelopment of the site, in particular the proposal represents a material contravention of the Local Area Plan in relation to plot ratio, height and the proposed cycle and car parking standards. The submission has been summarised below.

8.1. View of Elected Members

- The proposal materially contravenes the CDP and the LAP.
- The BTR units will not provide affordable housing or strengthen the sense of community.
- The Part V proposal and construction costs are unrealistic.
- The use of units for takeaways should be restricted.
- The proposed development, in conjunction with Blakes site will negatively detract from the surrounding area.
- Concern raised over the residential amenity and location along the main road.
- Concern is raised over the loss of a sporting facility.
- The childcare audit is misleading
- The design of a public road should have went through the public representatives.

- The council should not have issued a letter of consent for works if the proposal materially contravened the CDP.
- A plot ratio of 1:3.8 represents overdevelopment contravening the required 1: 2.5 as per the development plan.
- The density is too high.
- The building style is monolithic.

8.2. Opinion of Consistency

The planning authority have submitted that although the proposal for BTR is acceptable in principle having regard to the submitted design and layout the development does not provide an acceptable form of development and should be refused having regard to the impact on residential amenities, monolithic design, plot ratio and car and cycle standards. This submission is summarised as follows:

Dun Laoghaire Rathdown County Development Plan 2016-2022 (CDP)

- Residential development is permitted in the designated District Centre and the zoning also encourages mixed use development.

Stillorgan Local Area Plan 2018

- The Key Development Site and framework (Section 4.5.2.2) are expanded as development objectives, retail leisure use, building height/ plot ratio, public realm, signage and constraints.
- Other relevant policies from the LAP are listed.
- The Stillorgan Village Area Movements Framework Plan (SVAMFP) is listed as Appendix A of the LAP.
- A mix of uses including commercial, retail, community and cultural should be provided on the wider site.

Retail Impact Assessment

- The GFA for retail is 1,049m² and the net sale area is 733.4m².
- The retail cap for the designated Stillorgan Centre is referenced.

- The RIA concludes that the proposed retail is of a sufficient scale to ensure that the proposal will contribute to the district centre, which is accepted.

Density & Plot Ratio

- An area of 0.79ha is used for the calculations as the relevant site area.
- The framework plan for the site in the LAP provides an indicative plot ratio for 1:2.5 for the overall site.
- A plot ratio of 1:3.85 is quoted in the supporting documentation, which is excessive considering the LAP requirement.
- A density of c. 294 is overdevelopment of the site as it will have a negative impact on the existing residential amenities of properties in the vicinity.
- The proposal is a material contravention of the CDP and the LAP.

Building Height

- The height ranges from 4- 8 storeys.
- The framework plan in the LAP refers to a range between 9- 5 with a landmark 9 storeys at the corner of the N11/Lower Kilmacud Road and a maximum of 3 storeys directly facing St Laurence's Park.
- The level changes of the site beside the DLRCoCo lands give the appearance of a 9 storey building.
- The applicant has applied the upward modifiers from the CDP to justify the height.
- There is concern the higher buildings will prejudice the development on adjoining lands and therefore the height of the proposal is considered a material contravention of the LAP.

Residential Amenity

- The 8m separation distance between Block 4 & Block 5 is not acceptable and therefore contrary to objective RS1 of the LAP.

Apartment Guidelines

- SPPR 1- Housing Mix. The lack of 3 bedroom units is a serious concern although the proposal complies with the requirement of SPPR1.
- SPPR 2- Does not apply as it is a BTR scheme.
- SPPR 3- Floor areas- The proposal complies with the standards.
- SPPR 4- Dual Aspect- The figure is below the 50% having regard to the district centre status. Many of the dual aspect are corner units with no cross ventilation. Compliance with this SPPR is not accepted and refusal recommended.
- SPPR 6- Core Areas- Block 1 /2 & 3 include a no cores for 26 no units.
- SPPR 7- After the 15 year period then a more traditional tenure model might be more appropriate on the site and may require permission.
- SPPR 8- There is a lack of community facilities provided in the overall scheme, there is no childcare facility and any facility proposed should be restricted to use by the residents of the scheme. In relation to car parking, 0.41 per unit is provided and a minimum of 1 per unit.

Public Open Space

- The CDP refers to open space per bed space with an absolute minimum if 10% required.
- Based on the higher calculation as per Section 8.2.8.2 (ii) for 670 persons there is a requirement for 13,400m² and based on 10% a minimum for 790m².
- 1,216m² of open space is provided although it appears to include the public realm along the front of the site, therefore a calculation of 827m² is used for the open space. It is unclear if this figure includes some or all of the lands.
- A financial contribution would be acceptable to cover the shortfall in public open space as per Section 8.2.8.2 (ii)
- The level changes between the open space need addressed, there is a significant quantum of public seating, the footpath is restricted at the Lower

Kilmacud Road and the design of the paths should be in line with the SVMP as per LAP.

Daylight/ Sunlight

- Reference to assessment in Chp 10 of the EIAR.
- The analysis submitted refers to a light additional overshadowing on lands to the north, St Laurence Park. The report only provides a summary and no clear impacts and only sample gardens were used for the analysis.
- There will be overshadowing on the rear of adjoining commercial developments.
- The information in the internal analysis only includes a sample (18 no. zones) which is not reflective.
- The applicant has not been capable of demonstrating that the proposal will not impact on the daylight/ sunlight and therefore the proposal should be refused

Design and Layout

- There is not adequate permeability pedestrian or cycle permeability through the site and there is restricted access along the Lower Kilmacud Road.
- Blocks 4 & 5 are less than 8 m from each other.
- The elevations are generic and monolithic
- There is insufficient detail on the exact materials or colours.
- The building lifecycle report only outlines the information available to Aranmark property at the time of the report
- Signage should be conditioned before permitting any development.
- The parks department are recommending a refusal having regard to the lack of permeability, overshadowing of courtyard space, the use of steps for the public plaza restricting public access and streetscape and the public realm.

Transportation

- The transport section have recommended a refusal based on the under provision of car parking, notwithstanding SPPR 7 of the apartment guidelines, the lack of detail on the management of facilities for cyclists, mobility impaired residents and visitors.
- There should be no commercial access long St Laurence Park.
- There is only 2 set down spaces for deliveries of 1,855m² commercial floor space.

8.3. Conditions

Although a refusal is recommended, in any event of a grant of permission, a list of 69 no. conditions is attached and those of note are summarised below:

C2- The use of the site shall only be residential rental for a minimum of 15years.

C 3- The scheme shall remain as BTR until such times as change of use to another tenure model is achieved.

C 4- Submission for an enlarged public plaza.

C 5- Due to the discrepancy of open space by 9,178m² a contribution of €611,000 shall be submitted to fund public open space in the Stillorgan Local area.

C 6- The applicant shall submit details of the use of the lands within their ownership, set aside along St Laurence Park and Lower Kilmacud Road.

C 7- Agreement for the works along the interface with the public realm

C 8- Reduction in the height of Block 5 to a max of 3 storeys , Block 3 to 6 storeys and Block 4 to 5 storeys

C 9- Revision of scheme to increase separation distance between Block 4 & 5.

C 10- Set back of building line along the Lower Kilmacud Road to reduce the pinch point at this location for a larger footpath and cycle track.

C 11- A left in-left out only access along Lower Kilmacud Road.

C 12- Vehicular access for residents only along St Lawrence Road.

C 13- Submission of an independent daylight/ sunlight analysis.

- C 14- Submission of the location of a childcare facility.
- C 16- Details of use of commercial units.
- C 17- Restriction on fast food outlet.
- C 23- Submission of space for drying clothes internally.
- C 38- Submission of a phasing schedule.
- C 43- Payment of all development contributions before development.
- C 44 & 45 - Provision of 65 no. short stay cycle spaces (at surface level) and 453 no. long stay spaces and other works associated with cycle facilities.
- C 47- Compliance with the public realm works as per DRWG No. P351 and inclusion of additional cycle tracks and footpaths around the development.
- C 52- Provision of one electronic charging space per residential unit.
- C 57- Implementation of the recommendations of the Mobility Management Plan.
- C 61- Submission of all details of Green Roofs.
- C 65 & 66- Alteration of the attenuation details to include those relevant for the site and accommodate 470m³.

8.4. **Interdepartmental Reports**

Transportation Section – Recommend a refusal due to the reduced level of residential car parking and lack of detail on the provision and management of facilities for cyclists, mobility impaired residential and visitors.

Parks and Landscape Services Section – Recommend a refusal due the lack of pedestrian permeability through the site, lack of available sunlight for the proposed open space provision and the unacceptable utilisation of space in the civic space.

Housing Department- No objection submit to the inclusion of a Part V condition.

Waste Section- No objection subject to conditions.

Environmental Management- No objection subject to conditions.

Municipal Drainage Services- No objection subject to conditions.

9.0 Prescribed Bodies

Irish Water- No objection subject to a valid connection agreement.

Transport Infrastructure Ireland- No objection subject to compliance with official policy in relation to development affecting national roads in particular Chapter 3 DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

10.0 Screening

Appropriate Assessment

- 10.1. The site is located c. 2km to the south west of South Dublin Bay and River Tolka Estuary SPA (site code 004024) and c. 2km to the south west of South Dublin Bay SAC (site code 000210). The application was accompanied by a Screening for Appropriate Assessment. The subject site is a brownfield site, currently used as a leisure facility and the proposed development would not increase the flow of storm water into the public sewer. The proposed attenuation measures would reduce variations in the runoff from the site. There is no potential, therefore, for the proposed development to alter the volume or characteristics of the flows into or from the surface water sewerage system that could conceivably have a significant effect on any Natura 2000 site. The foul effluent from the proposed development would drain to the wastewater treatment system for Dublin. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site. There is no identified source-pathway –receptor to any Natura 200 site and there is no potential to have an effect on any Natura 2000 site.
- 10.2. Therefore, having regard to the scale and nature of the proposed residential development of 232 no. apartments and associated mixed use development and its location within the built up area of the city which can be serviced, no Appropriate Assessment issues arise and the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Environmental Impact Assessment

10.3. The current proposal is an urban development project that would be in the built-up area of a town but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The number of proposed dwellings is 232 and the site area is 0.79 hectares. The proposed development is well below the applicable thresholds. It would be located within the built up area of the city on land that has been previously subject to works. A preliminary examination of the nature, size and location of the proposed development has therefore concluded that there is no real likelihood of significant effects on the environment, having regard to direct, indirect and cumulative effects, and an EIA is not necessary.

11.0 Assessment

The main issues of the appeal can be dealt with under the following headings:

- Principle of Development
- Build To Rent (BTR)
- Design and Layout
- Impact on Residential Amenity
- Part V
- Traffic, Access and Permeability

Principle of Development

11.1. The Stillorgan Lesuireplex building is located on a large site which adjoins a small complex of two storey neighbourhood shops (Nimble Fingers), a row of derelict dwellings and the Stillorgan library, which consists of a single storey prefabricated building. The derelict dwellings and library site are within the control and ownership of Dun Laoghaire Rathdown County Council (DLRCC) and are currently the subject to future development. Supporting documentation indicates that a Part VIII application for a social and affordable housing and a library site have been submitted to the Department for funding approval.

11.2. The site and immediate environs form part of the Stillorgan Village Centre. The proposed development includes the demolition of the Leisureplex building and the construction of 232 BTR residential units, associated leisure facilities, open space and 2 no retail units and 4 no café/ restaurant units on the ground floor. The site area is stated as 1.33ha although a portion of this is set aside for the future development of adjoining lands for DLRCC, therefore the site to be developed is 0.79ha. The existing neighbourhood centre on the North West corner of the site and DLRCC lands do not form part of this application.

Zoning

11.3. The site is zoned as a District Centre in the DLR County Development Plan and identified in the Stillorgan Local Area Plan (LAP) 2018 as a Key Development Site (KDS), “Leisure Plex, Library and Environs”. Residential, retail and café/restaurant are all permissible uses. Section 4.5.2.2 of the LAP sets out a Site Development Framework for the entire site, including the adjoining DLRCC and Nimble Fingers. In summary the specific requirements for the site include:

- The redevelopment of the entire site, including the adjoining DLRCC site for a mix of uses , library and social and affordable housing;
- Provision of a high quality development with an attractive frontage along the Old Dublin Road and Lower Kilmacud Road.
- Benchmark 5 storey height with 9 storey landmark building and 3 storey element along St Laurence’s Park.
- Sensitive design respecting the existing residential development in the vicinity and supporting an age friendly environment.

There is no specific requirement for the lands to be developed in combination with the adjoining lands defined as KDS and I consider the submitted documentation adequately demonstrates the proposal would not stifle the development of adjoining sites, further detailed below.

Retail

11.4. In addition to the 232 apartment units , c. 1,850m² of commercial development is proposed on the corner of the Old Dublin Road/ Lower Kilmacud Road for use by 2 no retail units and 4 no café/ restaurant units. The Retail Impact Assessment (RIA)

which accompanied the application notes the retail cap for Stillorgan centre as (25,000m²), the inclusion of the net retail sales area as 733.4m² and concludes that the proposal will not have a negative impact on the vitality and viability of the existing Village Centre. I note the information contained in the RIA and consider the conclusions reasonable, in addition I consider the location, scale and integration of the commercial element will contribute to the development objective of the KDS and enhance the connectivity

Material Contravention

- 11.5. The proposal has been advertised as a material contravention and a Statement of Material Contravention accompanied the application. The applicant places particular emphasis on the descriptive building heights on the site and restrictions for residential and commercial vehicular access along St Laurence Park, as detailed in the LAP. The response from the PA raised concern in relation to the compliance with the LAP in particular plot ratio, building height and commercial access along St Laurence Park. I have addressed each of these issues separately below as a matter of detail.
- 11.6. The specific details of the Site Development Framework from the LAP are addressed in detail below, in conjunction with relevant policies from the DLRCC development plan, although based on the zoning objectives, I have no objection to the principle of the use on the site for a mixed use development, subject to complying with development policies and other planning requirements as addressed in the following sections.

Build To Rent (BTR)

- 11.7. The proposed development is for 232 no. BTR apartment units, as advertised and in the development description. Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2018 provides guidance on Build-to-Rent (BRT) which is defined as "*purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord*". A covenant for the entire building is required at a minimum of 15 years. The Statement of Consistency which accompanied the application includes the credentials of the applicant with regard the

current portfolio of ownership and management of Private Rental Sector (PRS) both nationally and worldwide.

- 11.8. The submission from the PA and third parties raised concern in relation to the use of the units as BTR and refer to the impact of the type and tenure on the existing and future community in Stillorgan. I have assessed the documentation submitted with the application and the national guidance and I do not consider the management of the apartments as BTR rather than Build to Sell should have a negative impact on the existing or proposed residences, rather the model will provide a better experience for the tenant, having regard to the supplementary residential amenities, discussed below.

Housing Mix & Apartment Size

- 11.9. 10 no. studio (4%), 113 no. one bed (49%) and 109 no. 2 bed (47%) apartment units are proposed. SPPR 8 of the apartment guidelines, sets out a reduction in the normal apartment standards for developments that qualify as specific BTR developments in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply. Flexibility also applies in relation to the provision of a proportion of the storage and private amenity spaces associated with individual units as set out in Appendix 1 of the guidelines, in relation to the provision of the communal amenity space, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. The applicant does not seek any relaxation in standards and all apartments have sufficient private amenity areas. A Housing Quality Assessment Schedule has been submitted which concludes that all the apartments are compliant with the required standards and whilst the applicant states that the provision of storage facilities complies, I note a number of units' e.g. D 01-03, include cupboard and wardrobe space in the calculation for storage. Section 3.30 of the apartment guidelines state that internal storage should be in addition to kitchen presses and bedroom furniture. As stated above, SPPR 8 allows for the flexibility on the storage calculation on the provision of alternative community facilities, which is further discussed below.

Communal and Recreational Facilities

- 11.10. SPPR7 categorises these facilities as i) Residential Support facilities (operational e.g. laundry/ concierge etc.) and ii) Residential Services and Amenities (other

communal recreational e.g. – comprising of facilities for communal recreational e.g. sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.). The proposed development includes tenant amenity space (c. 1,021m²) in the form of shared dining, co-working areas and concierge facilities in Block 3, facing onto the Lower Kilmacud Road and a gym in the basement. The quantum and quality of Residential Support facilities is sufficient to service 232 units. In addition, communal residential storage provided on each floor (c. 35m²) adequately compensates for the shortfall in storage space within the apartments.

Dual Aspect

11.11. SPPR 4 requires the provision of a minimum of 33% of dual aspect units in more central and accessible urban locations and 50% for suburban sites. The Schedule of Accommodation states that 79 no. apartments have dual aspect, c.34% of the accommodation. The response from the PA considers that 50% should be provided as dual aspect and some of the corner units detailed as dual aspect will not allow for cross ventilation. The site is a brownfield, adjoining high quality public transport and the overall framework scheme for the site requires specific design criteria including the integration of a public plaza. Frontage onto Lower Kilmacud Road and St Laurence Park is provided along with green connections to DLRCC lands to the east. Having regard to the location of the site, existing and required constraints I consider the provision of 33% dual aspect is appropriate.

Stair Core

11.12. SPPR 8 (v) removes the requirement for a maximum of 12 apartments per floor subject to overall design, quality and compliance with building regulations. Block 1/ 2 (A) and Block 3 (B) are interconnected by shared corridors. A double lift and stair well is located in Block B for 5 units, whilst a single lift and stairwell is located in Block A for 21 units. Although SPPR 8 allows for over 12 units sharing a core I consider the design of the corridor in Block A is excessive in length and would have a negative impact on the residential amenity of the future residents. In this case I consider a redesign of this corridor can be reasonably included in any grant of permission.

Car Parking

- 11.13. The site is situated close to the N11 and a QBC. 162 no. car parking spaces are provided in the basement for both the commercial and residential development. Section 4.19 of the apartment guidelines and SPPR8 (iii) states there shall be a default of minimum or significantly reduced car parking provision and a strong central management regime is intended to contribute to establish and operate shared mobility measures. The provision of 0.41 parking spaces per unit complies with national guidance and can be justified at this location having regard to the provision of a high quality public transport corridor within the vicinity of the site. The use of the basement car park for both commercial and residential has been raised by both the observers and the PA which I have assessed in the context of impact on the residential amenity.
- 11.14. Having regard to the location of the site within the Stillorgan District Centre, adjoining the N11 and adjoining public transport corridors, I am satisfied that the BTR scheme is suitable and justifiable at this location and the overall design complies with the national guidance for BTR development.

Design and Layout

- 11.15. The proposed development comprises of 232 BTR units (109 no. 2 bedroom, 113 no. 1 bedroom and 10 no. studio units) is located in 5 blocks (Blocks 1/2 (A), Block 3 (B), Block 4 (C) & Block 5 (D)) which range in height from 4 no. storeys to 8 no. storeys over two basement levels. Two no. retail units (c. 1049m²) and 4 no. cafe/restaurant units (c. 809m²) are located on the ground floor of Block 1/2 (A) fronting onto the proposed public plaza on the corner of Old Dublin Road and Lower Kilmacud Road.

Plot Ratio & Density

- 11.16. The stated area for the site is 0.79ha. Q 6 of the application states that the site area of the application is 1.33ha and I assume the discrepancy refers to those lands which have been set aside for DLRCC and their Part VIII proposal.
- 11.17. The development framework for the site, as per the LAP, includes the larger site encompassing DLRCC lands to the east and the commercial units at Nimble Fingers on the corner of St Laurence Park and Old Dublin Road. The indicative plot ratio of

1:2.5 is provided for redevelopment of the KDS site. Schedule of Accommodation quotes the plot ratio as 1:3.85. The submission from the PA considers the proposed plot ratio excessive and a material contravention of the LAP. It is of particular relevance that the plot ratio of 1:2.5 referenced in the LAP is for the entire “Lesuireplex, Library and Environs Key Development Site” which includes those other lands in the vicinity of the application site.

11.18. The applicant states that whilst the plot ratio is in excess of the indicative 2.5 at 3.85, the overall development is in line with the NPF and building height guidelines and a density of c. 294 is appropriate at this location. The Statement of Material Contravention also refers to the “indicative” plot ratio in the development framework from the LAP.

11.19. The proposed development is predominantly residential with 7% of the floorspace allocated for retail and café restaurant. The national guidance for residential development promotes high density development for urban infill sites and those served by good public transport. Having regard to the location of the site close to the N11, along a QBC and within a designated District Centre, and the recently permitted SHD on the opposite side of the Lower Kilmacud Road at Blake & Esmond Motors Site (ABP 300520-17) (which has a similar density 210 dwelling/ha), I consider the density proposed, c. 294 dwelling/ha, is in line with the national guidance, pattern of development in the vicinity and as such the plot ratio and density is acceptable, subject to the protection of residential amenity, as further discussed below.

Height

11.20. The 5 no residential blocks are wrapped around two internal courtyards. Block 5 (D), along St Laurence’s Road comprises of 4-5 storeys with an internal 6 storey element and the remaining development, Blocks 1-4, fronts onto the perimeter with the Old Dublin Road and Kilmacud Lower and ranges in height from 4-8 storeys.

11.21. Section 4.4.3 of the Stillorgan LAP includes a performance based criteria for building heights which refers to the Building Height Strategy (Appendix 9) in the CDP where “upward or downward modifiers” are used to assess relevant heights. Policy BH1 of the LAP promotes higher densities and increased building heights at locations around public transport nodes and centres of activities and in line with guidelines set

out in the site framework strategies for Key Development Sites. Section 4.5.2.2 of the LAP provides guidance for the building height on the site as summarised below:

- Building height of five storeys across the site, with a landmark building of up to nine storeys at the corner of the N11/Lower Kilmacud Road junction;
- The transition between the landmark height (9 storeys) and the benchmark height (5 storeys) must be designed to ensure that excessive massing or bulk in the overall design does not detract from the 'landmark' nature of the nine storey element;
- Height should graduate downward at mutual boundaries with adjoining two-storey properties with a maximum 3 storeys directly facing dwellings.

11.22. A landmark 9 storey building is proposed to the east of the site within the DLRCC lands, directly adjacent to the N11 which the applicant has included on an indicative layout. The applicant's response to the Pre-application Opinion by the Board, reduced the height of the buildings from 9-8 to 8-5 storeys with justification for the height relating to the building height guidance in Appendix 9 of the development plan and the permitted height for 9 storeys of those buildings on the opposite side of the Lower Kilmacud Road (ABP 300520-17).

11.23. Since the adoption of this LAP, the national guidance for increased building heights in urban areas has been published. An advisory note attached to the DLRCC development plan states that all housing standards in the development plan are superseded by the most up to date standards and specifications in the "Specific Planning Policy Requirements" (SPPR) therefore I have assessed the proposal in line with relevant SPPR's and the overall design and layout further below.

11.24. The proposed increase in height along the Lower Kilmacud Road would be in keeping with the recent SHD permission for the Blake & Esmond Motors Site (ABP 300520-17) with a maximum of 9 storeys. It would also be justified in the context of any proposed 9 storey landmark building on the DLRCC lands to the east of the site adjoining the N11. The building steps down towards the north of the site to a minimum of 4 storeys, with a 5 storey setback, along St Laurence Park and although the LAP specifies a maximum of 3 storeys at this location, the addition height for a transitional site between a row of 2 storey commercial buildings and a future development site, DLRCC, is justified in the context of the appropriate development

of a KDS. The proposed height would meet the development management criteria for higher buildings set out in section 3.2 of the guidelines, and would therefore comply with SPPR3. The impact on the residential amenity of the four existing dwellings on the opposite side of St Laurence Road, is further discussed below.

11.25. The terms of the 2018 guidelines on building height and the recent permitted development on the adjoining development (ABP 300520-17) would justify a grant of permission for the proposed development despite its height exceeding the benchmark height of 5 storeys, with reduction along the north, as detailed in Site Development Framework in the LAP, in accordance with section 37(2) (b)(iii) of the planning act. In addition, as stated above, an advisory note attached to the CDP refers to the implementation of the national guidance aside from any development management standards in the CDP.

DLRCC Lands

11.26. DLRCC lands to the east and north east include a library site, two semi-detached derelict dwellings which are to be demolished to accommodate a new library and c. 80-90 social and affordable housing. Indicative layouts, CGD's and visual assessment are cognisant of the potential for development of the DLRCC lands and as stated above, the applicant has set aside two parcels of lands, one along the Lower Kilmacud Road and the other along St Laurence Park, where the two sites connect. The PA have raised concern over the future use of these lands although the applicant intends to transfer these lands for the future use of DLRCC. No agreements or consents are provided with the application.

11.27. The design and layout of the building will not prevent the redevelopment on any lands. The set aside of the applicants lands, for the provision of frontage onto both the Lower Kilmacud Road and St Laurence Road will allow the integration of any DLRCC lands and in order to prevent any unnecessary vacancy on these plots a condition to transfer the lands to the DLRCC would be deemed appropriate, having regard to the applicants contention that this would be the long term intention for the sites. A balcony located along the east of Block B (3) on level 2 may cause overlooking on the adjoining lands and have a negative impact on the future development, in this instance I consider a condition can require the re-orientation of this balcony towards the courtyard.

Layout

- 11.28. The apartment Blocks (A- C) are all interconnected and main elevations directed towards Lower Kilmacud Road and Old Dublin Road and St Laurence Park and are all wrapped around an internal courtyard. Each block has individual characteristics and Block A/B faces onto a proposed public plaza with commercial and retail on the ground floors. Policy UD1 of the development plan promotes guidance contained in the national urban design manual. The application is accompanied by a Design Statement which justifies the scale and bulk of the development relative to the existing development in the vicinity, the proposed development on the Blakes site and lists compliance with the urban design manual guidelines.
- 11.29. The layout is dictated by both the site specific design details from the LAP, as listed above, integration with the existing two storey commercial buildings, Nimble Fingers Corner, and the necessity to prevent any negative impact on the development potential of DLRCC lands to the east. The mixed use element on the ground floor will complement the positioning with the Stillorgan Village Centre and the requirement for a public plaza. I consider the overall layout, scale and design of the 5 no Blocks responds sufficiently to the existing constraints on the site and the specific criteria in the LAP and I consider it acceptable on a site designated as a District Centre.

Public Open Space

- 11.30. The provision of communal open space is mostly provided in a three courtyards, in the centre and along the east of the site adjoining the DLRCC lands. Terrace A (400.5m²) beside Block A at level 01, the woodland courtyard (911.8m²) beside Block C at level 00 and Linear Courtyard (672m²) to the east of Block C. Additional open space provision is provided by way of public plaza (c. 900m²) and is not included in the quantum for public open space. The PA note the open space provision of 10% is an absolute minimum although considering the requirement in 8.2.8.2 (ii) of the development plan for 670 bed spaces, c. 13,400m² is required, and a financial contribution could be accepted for any shortfall. The PA and third parties are concerned with the level changes on the site in particular within in the open space, which is addressed separately below. In addition, the Parks Department consider the scheme should be refused based on the overshadowing on the courtyard.

- 11.31. The quantum of communal open space provided (c. 1,984.3m²) complies with the 10% requirement in the CDP (15.4% provided) and Appendix 1 of the apartment guidance (required 1,363m²). I do not consider the PA request for a special contribution in lieu of the under provision of public open space reasonable having regard to the quantum of private space and the additional c. 900m² for the public plaza and I consider a Section 48 Scheme provides a mechanism for the collection of a financial contribution for public open space in the Stillorgan area.
- 11.32. The landscape strategy illustrates the difference in levels between the three courtyard areas and external connection is proposed via stepped access. Issues relating to limited mobility between the open spaces is highlighted in submissions. Whilst I note access onto each level is available via each building, I consider a ramped access would be appropriate between Level 01 and 00, having regard to the location of play facilities in the Woodland area. I consider the provision of a courtyard along the east appropriate to serve part of Block C and Block D specifically. A sunlight and daylight analysis indicates the communal open space at Courtyard A & B are likely to receive sunlight for at least 2 hrs on the 21st of March, therefore are likely to enjoy an adequately sunlit appearance in compliance with the BRE Guide.
- 11.33. The design and layout of the open space area is diverse with a mix of passive and active recreational areas. Boundary walls of up to 4 m in height are located along part of some of the open space. The use of these boundary wall areas for art work can enhance the amenity of the open space for the user and can be included as a condition on any grant of permission.

External Material and Lifecycle

- 11.34. The elevations facing onto the public roads consists of brick and stone cladding and the courtyard facing façades are finished with render, which I consider acceptable. A Building Lifecycle Report accompanied the application as per Section 6.13 of the apartment guidelines, which includes proposed management and maintenance of the main internal and external area. The proposal is BTR and having regard to the management regime associated with this use I consider the lifecycle report is acceptable.

11.35. Having regard to the site specific framework in the LAP, the characteristics of the surrounding area, the recent grant of permission on the Blakes Site, I consider the design and layout of the proposed development at this location is appropriate.

Impact on Residential Amenity

11.36. The subject site is located to the south of an existing row of semi-detached dwellings, separated by a public road, St Laurence's Park, which provides access to a larger residential area and the Stillorgan public library. A significant amount of the third party observations received are from the residents adjoining the site and in the surrounding area, in relation to the impact on their residential amenity by way of noise, overbearing, overlooking and loss of leisure facilities. I have addressed these issues separately below in addition to other planning considerations which may impact on the existing and proposed residential amenity.

Impact on Existing Residents.

11.37. Overshadowing: The Site Specific Framework Plan for the site includes a height restriction of 3 storeys along St Laurence's Park. The aspect of the proposed development comprises of approximately half of the frontage of the KDS along the north (c. 52m in length), St Laurence Park with a height of 4 storeys over basement with a set back on the upper floor (c. 19.5m in total). As stated above the justification for the height on this site is acceptable and with regards impact on the residential amenity a distance of c. 21m from the front building line of the existing dwellings along St Laurence Park, to the north, is noted. The Sunlight and Daylight analysis which accompanied the application, illustrates overshadowing along the front of the 4 no. dwellings on the opposite side of St Laurence Park, at mid-day during the March Equinox and again during December Solstice. The PA raise concern that only a small sample of properties were used for this assessment which is not representative of the entire area and recommend a refusal based on this issue. I consider those properties potentially impacted by the proposed development were included in the assessment and therefore the report is sufficient to undertake a robust assessment. Whilst I note the increase in overshadowing to the front of these properties, I do not consider the location, scale or duration of this overshadowing would cause a significant negative impact on the amenity of the residences. Having regard to the orientation of the site, the separation distance and height of the

building, I do not consider there will be such overshadowing on the existing properties which will cause a significant negative impact on their residential amenity.

11.38. Overbearing: The District Centre zoning and site specific framework in the LAP indicates an intention for large urban development on the site. An Assessment of the Visual Impact accompanied the application which provides reference to other tall buildings in the vicinity, notes the photomontages and concludes that the impact of the proposed development on the surrounding area is slight to moderate, and the residential use is more in keeping with those dwellings along St Laurence Park. The indicative layout for DLRCC lands illustrate additional variation in height and as stated above, a portion of the applicant's site has been set aside for the DLRCC (c.25m) and the lands along the North West form part of the existing commercial Nimble Fingers. Having regard to the amount of frontage along St Laurence Park, the variation in height, the set back of the upper floors and the high quality design of elevation treatment, I do not consider the proposal will have an overbearing impact or a negative visual impact on those residents to the north, along St Laurence Park, or the surrounding area.

11.39. Loss of Leisure Facilities: The proposed demolition of the Lesuireplex bowling alley has been raised as a concern by the observers as many community groups state they use this as a recreational facility. The application has been accompanied by an Audit of Community Facilities within the vicinity of the site and the sports facilities which states that the Stillorgan area is well served by sports facilities, including large parks, tennis and rugby. I note a similar bowling facility is currently located at Bray. The retention of the bowling facility is not a requirement of the site development framework in the LAP and the demolition of the bowling alley is not a cause of concern of the PA. Therefore, having regard to the provision of recreational facilities in the vicinity I do not consider the loss of the bowling alley will cause a significant negative impact on residential amenity.

Impact on the proposed residents.

11.40. The provision of public open space, communal residential facilities and compliance with the relevant SPPRs is detailed above. In addition to these a Sunlight and Daylight analysis of the internal rooms accompanied the application. Section 5.0 assesses average daylight factor using a representative sample of windows at

basement, ground and first floor levels. The analysis predicts that all sample rooms on the lower levels will be in accordance with the BRE standard (2% average for kitchen/ living and 1% for bedrooms) and it is noted that a higher level of performance is expected at upper levels. I consider this to be reasonable having regard to the density of the scheme.

Childcare

- 11.41. Section 4.0 of the apartment guidelines refers to the provision of childcare facilities as communal amenities for residents of apartment developments as required in *Planning Guidelines for Childcare Facilities (2001)*, where one childcare facility for every 75 dwellings is required (minimum of 20 spaces). The development comprises of 10 no. studio, 113 no. 1 bed and 109 no. 2 bed units and does not include any childcare provision. A Childcare Audit accompanied the application referring to the current demographics of the area, in particular the decrease in children between the ages of 0-4 and the provision of 1,018 no childcare spaces in the vicinity and concluded that the site was adequately serviced. Further reference is provided to Section 4.7 of the Apartment Guidelines which states that *“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”*. The PA have referenced the absence of the childcare facility.
- 11.42. The applicant states that the inclusion of 109 no. 2 bed units is 34 no. units above the threshold (75) for the provision of a childcare facility and therefore calculates the childcare requirement as follows $[(109/75)*20=29.0]$ and taking a conservative figure of 50% of the 2 bedroom units requiring one space there would be a requirement for 15 no. childcare spaces.
- 11.43. I do not consider the applicant's calculations for the potential required childcare spaces reasonable. In the first instance they discount the necessity to provide any childcare spaces for the first 75 no. residential units and consider the threshold to be any units above 75, which I do not consider complies with the national guidance as it refers to a minimum of one childcare facility for units 75 and above. Having regard to the requirement to provide childcare spaces for the first 75 as per the guidelines, I calculate the estimated demand for childcare spaces relate to the 109 2 no. bedroom

units, and even when utilising the applicant's conservative figure of 50%, I consider a requirement for c. 50 spaces. Appendix 1 of the childcare guidelines requires the provision of a minimum of 2.32 m² per child, exclusive of kitchen, bathroom and hall space.

11.44. The provision of accessible communal facilities and amenities is a characteristic of the BTR model, where the aim is provide renters the opportunity to become part of the community. As stated above, the provision of childcare facilities can be deemed as appropriate provision of communal facilities. I note the inclusion of retail and café/restaurants as a mixed use element and I consider the integration of crèche into the scheme will not cause a material alteration to the development as proposed. I note the location of apartments units along the basement and ground floor of Block 5, facing onto St Laurence Park which would be suitable for a childcare facility although having regard to the potential connectivity to open space along the eastern aspect of the site I consider the basement (DB2-01, DB2-02, DB2-03: 141m²) would be an appropriate location for any future childcare facility. I consider a condition can be reasonably included on any grant of permission requiring the applicant to integrate a childcare facility into the development to ensure compliance with national guidance and enhance the residential facilities both within the scheme and the surrounding area.

11.45. Having regard to the location and orientation of the site, the design and layout of the buildings, I do not consider the proposed development would have a significant negative impact on the amenity of the residents of surrounding properties or the potential residents.

Part V

11.46. The applicant has submitted Part V proposals comprising the transfer of 23 no. units which is 10% of the proposed units to the planning authority. The submitted details include costing details and plans showing proposed Part V units. The PA opinion indicates no objection to the proposals and consideration will be given for other methods of Part V compliance such as lease or other units on site. I note a number of units proposed for Part V may conflict with the recommended location for childcare facility, as detailed above. I recommend that a condition is attached in the event of permission being granted that requires a Part V agreement to be entered into.

Traffic, Access and Permeability

11.47. Vehicular access into basement parking is provided at two locations, to the north along St Laurence's Park and to the south from Lower Kilmacud Road. The proposal includes public realm upgrades around located around the vicinity of the site, a public plaza (c. 900m²) and a pedestrian crossing across the Old Dublin Road. Letters of consent from DLRCC for the works within their control accompanied the application.

Vehicular Access along St Laurence Park

11.48. The SVMFP, integrated into the LAP includes potential vehicular access into the site as ingress and egress at both accesses, Lower Kilmacud Road and along St Laurence Park, with the latter adjoining the end of Nimble Fingers commercial buildings. The site specific guidance for the KDS includes a restriction on commercial vehicles at the St Laurence Park entrance, no restriction is proposed although the location of designated parking for the retail and café units to the south of the car park, closest the Lower Kilmacud Road, would naturally direct traffic to use this entrance. This aside having regard to the limited quantum of commercial space in the overall development, the location of the access directly adjoining the existing commercial units which does not extend past the existing dwellings along St Laurence Park, I do not consider there will be any significant negative impact on the surrounding residential area.

11.49. The Transport Section of DLRCC have no objection to the use of St Laurence Park for commercial vehicles as the use will prevent any impact on the traffic distribution, whilst, the PA refer to the site specific framework in the LAP. The Material Contravention Statement which accompanied the application refers to DMURS and Policy UD1 of the CDP, both of which support of access for all, require the provision of direct routes and the integration of buildings into their surroundings, which I consider reasonable. In this instance I consider the restriction of access along St Laurence Park does not comply with the national guidance. In addition, I note access for the car parking is solely for cars and commercial deliveries will be accommodated in the set down bays on the Old Dublin Road and Lower Kilmacud Road. Therefore having regard to the scale of development and the location of proposed access, I do

not consider the proposal will have a significant negative impact on the amenity of residents in the vicinity.

11.50. Having regard to the report of the Transport Section, the information contained in DMURS and Policy UD1 of the CDP a grant of permission is justified in accordance with section 37 (2) (b) (ii) of the planning act.

Permeability

11.51. The Stillorgan Village Area Movement Framework Plan (SVAMFP) is integrated into the LAP as Appendix 1 and includes a pedestrian link route across the centre of the site in a diagonal direction between the corner of Lower Kilmacud Road/ Old Dublin Road and the east of St Laurence Park, beside the vehicular connection underpass for the N11.

11.52. The PA do not consider the proposal adequately addresses the pedestrian or cycle permeability throughout the site. The Pre- application Opinion issued by the Board requested the submission of “a site layout plan and relevant documentation indicating pedestrian and cycle connections and demonstrating how consistency with the Stillorgan Village Area Movement Framework Plan and compliance with the Stillorgan Local Area Plan 2018-2024 and DMURS is to be achieved”. The applicant has submitted an analysis of the distance and travel times through the site, along the diagonal connection, and around the site, via the public footpath and concludes that there is no significant difference and the absence of the pedestrian route through the site.

11.53. I note the location of the proposed pedestrian crossing across the Old Dublin Road closer to St Laurence’s Park than Lower Kilmacud Road, which I consider will lead to the most direct route from the west into the site, linking effectively to the pedestrian underpass at the end of St Laurence Park. Pedestrian and cycle access into the library is currently provided from the south east, along the Lower Kilmacud Road and I consider it reasonable that this link would be retained as part of the redevelopment of the DLRCC lands. The PA raised concern over the treatment of the public realm at this location, although having regard to the level difference along the site, I consider the design is sufficient and the site set aside for the future use of DLRCC can be integrated to attract a footfall of pedestrians from the site along the Lower Kilmacud Road.

11.54. A Stage 1 Road Safety Audit accompanied the application and highlights potential conflicts with the movement and flow of pedestrians and traffic and proposed landscaping, existing public utility infrastructure and design features in the proposed development, in particular the public realm. Chapter 4 of DMURS refers to the minimal use of signage as only where mandatory in the TSM Manual, the use of street furniture and cycle racks etc. at appropriate locations, public light with the appropriate use of materials including both shared surfaces for home zone principles and tactile paving for those with visual impairment. Having regard to the guidance in DMURS, I consider the application should be required to be cognisant of this report and have regard to recommendations where applicable.

11.55. Therefore, having regard to the existing and proposed links through the site and beyond I consider there is sufficient permeability to enable the flow of pedestrians and cycles, therefore I do not consider the proposed development would significantly alter the delivery of the main objectives of the SVAMFP.

Cycle provision

11.56. 458 no. bicycle parking spaces are proposed at Level B2. Access for residents is proposed via a dedicated stair/ramp from Lower Kilamcud Road. The Transport Section consider access for cyclists should be provided at all access points. I consider access from the south is adequately provided for via the dedicated cycle access and I consider cycle access should be included from the north along St Laurence Park, this can be reasonably included as a condition. The Transport Section note no cycle parking is provided for visitors to the commercial units fronting onto the public plaza. As stated above chapter 4 of DMURS requires the provision of cycle racks at appropriate locations and having regard to the mixed use element I consider the provision of cycle parking within or adjoining the public plaza acceptable and can reasonably include as a condition.

11.57. Therefore, having regard to the use of the site for a mixed use development, the existing and proposed contours of the site, the location adjoining a busy junction and the policies and objectives in DMURS, the CDP and the LAP, I do not consider the proposed development would have a negative impact on the flow or movement of pedestrians or have a negative impact of traffic safety.

12.0 Recommendation

I recommend that planning permission should be granted, subject to conditions, as set out below.

13.0 Reasons and Considerations

Having regard to the following:

- (a) the zoning objective for District Centre in the Dún Laoghaire-Rathdown County Development Plan 2016-2022,
- (b) the policies and objectives in the Dún Laoghaire-Rathdown County Development Plan 2016-2022,
- (c) the policies and objectives in the Stillorgan Local Area Plan 2018-2024;
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments;
- (f) the Design Manual for Urban Roads and Streets (DMURS);
- (g) the Guidelines for Planning Authorities on Urban Development and Building Heights;
- (h) the nature, scale and design of the proposed development;
- (i) the availability in the area of a wide range of social and transport infrastructure;
- (j) the pattern of existing and permitted development in the area, and
- (k) 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 would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Recommended Draft Board Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 16th of August 2019 by KW Investment Funds ICAV care of John Spain Associates, 39 Fitzwilliam Place, Dublin.

Proposed Development:

- Demolition of existing buildings on site consisting of the Stillorgan Leisureplex and associated structures;
- Construction of a mixed-use development generally ranging in height from 4 no. storeys to 8 no. storeys from street level, stepping down to 2 no. storeys in part to the Lower Kilmacud Road. Two basement levels are proposed;
- The development will have a total of 232 no. Build-To-Rent apartment units, (109 no. 2 bedroom units, 113 no. 1 bedroom units and 10 no. studio units) with associated balconies and terraces;
- The development will provide for 2 no. retail (shop) units (c. 1049 sq.m.) and 4 no. restaurant/ café units (c. 806 sq.m.);
- Provision of a public plaza (827 sq.m.) onto the corner of the Lower Kilmacud Road and the Old Dublin Road;
- Public Realm improvements including footpaths, parking, loading bays and landscaping works to the Lower Kilmacud Road, Old Dublin Road and St. Laurence's Park;
- The proposed development will also include the provision of communal and private open space including courtyard areas, terraces and balconies and roof terraces and the provision of tenant amenity space (c. 1021 sq.m) including resident lounge area, communal kitchen and dining, co-working space, cinema, gym and concierge service;
- Parking at basement levels for 162 cars, 458 bicycles and 10 motorcycles;
- 60 no. bicycle parking spaces will be provided at ground level;

- Vehicular access to the basements is from the Lower Kilmacud Road and St. Laurence's Park;
- All hard and soft landscaping, boundary treatments and all associated site development works and services and plant.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) the zoning objective for District Centre in the Dún Laoghaire-Rathdown County Development Plan 2016-2022,
- b) the policies and objectives in the Dún Laoghaire-Rathdown County Development Plan 2016-2022,
- c) the policies and objectives in the Stillorgan Local Area Plan 2018-2024;
- d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments;
- f) the Design Manual for Urban Roads and Streets (DMURS);
- g) the Guidelines for Planning Authorities on Urban Development and Building Heights;
- h) the nature, scale and design of the proposed development;

- i) the availability in the area of a wide range of social and transport infrastructure;
- j) the pattern of existing and permitted development in the area,
- k) the submissions and observations received,
- l) the report of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Information for Screening for Appropriate Assessment submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- a) the nature and scale of the proposed development on a site served by public infrastructure,
- b) the absence of any significant environmental sensitivities in the area,
- c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

The Board 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 would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. The proposed development shall be amended as follows:
 - a) Units DB2-01, DB2-02, DB2-03 shall be omitted from the development and the space thus created shall be used for the construction of a crèche for c. 50 no spaces, or another similar location in the proposed development agreed with the planning authority, which shall be the subject of a separate planning application. Open space provision for

exclusive use by the crèche shall be provided within the scheme and included in the planning application.

- b) The number of units accessing the corridor in Block A shall be reduced via the removal of two units per floor within Block A.
- c) Balconies along the north of Block B (3) Level 2, Unit B 02-02 shall be redesigned to orientate into the courtyard and away from adjoining lands to the east.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In order to comply with national childcare policy and in the interest of residential amenity.

- 3. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority proposed details for the proposed development and boundary treatment of the lands along the north, along St Laurence Park and south, along Lower Kilmacud Road, currently within the applicants ownership.

In default of agreement between the parties regarding compliance with any of the requirements of this condition, the matter shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity and the sustainable development of the area.

- 4. The landscaping design of the development shall incorporate the provision of wall art on the boundary walls separating the open space internally between Level 00 and level 01 and the Linear courtyard to the east.

Reason: In the interest of residential and visual amenity.

5. The development hereby permitted shall be for 232 residential units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

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

6. Prior to commencement of development on site, the developer shall submit, for the written agreement of the planning authority, details of the Management Company, established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.

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

7. Prior to expiration of the 15-year period referred to in the covenant, the owner shall be submitted to and agreed in writing with the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

8. Prior to the commencement of development, the owner shall submit to and agreed in writing with the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum

period of not less than 15 years and where no individual residential units shall be let or sold separately for that period.

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

9. The proposed retail /café unit shall not be used for the sale of hot food for consumption off the premises without a separate grant of planning permission.

Reason: In the interest of residential amenity and to allow the planning authority to assess the impact of any such development through the planning process

10. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the area/visual amenity

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

Reason: In the interest of residential amenity

12. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

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 and all surface water shall be treated within the site.

Reason: In the interest of public health.

13. 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.

The plan shall also include hours of operation, loading and unloading of construction materials, operational deliveries, and minimisation of noise.

Reason: In the interest of sustainable waste management.

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

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

15. a) Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling,

walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the site and shall be submitted to and agreed in writing with the planning authority. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The plan shall include for the inclusion of 5 no car share spaces. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

c) Prior to commencement of development submit and agreed in written with the planning authority an amended the design and public realm which has regard to the recommendations in the Stage 1 Road Safety Audit. A Quality Audit for Stage 2 for the detailed design and Stage 3 for the post construction stage shall be undertaken.

Reason: To encourage sustainable modes of traffic and ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

16. Prior to commencement of development the applicant shall submit details for the written agreement of the planning authority drawings showing suitable locations and appropriate design for 19 no. short stay spaces within the public plaza.

Reason: In the interest of sustainable transportation and safety

17. Provision shall be made for a cycleway from St Laurence Park into the basement of the development. Details of such provision, including construction and demarcation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation and safety

18. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interests of sustainable transportation.

19. The internal street network serving the proposed development, including service bays, junctions, sight distances, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.

To facilitate connectivity and permeability, the finished surface of all footpaths that are shown as future possible access shall meet up to site boundaries without the provision of a grass verge or ransom strip.

Reason: In the interest of pedestrian and traffic safety, and in order to comply with national policy in this regard.

20. The areas of public open space shown on the lodged plans shall be reserved for such use and shall include a ramped access between levels 00 and 01.

These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the An Bord Pleanála on the 16th of August, 2019. This work shall be completed before any of the apartment units are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas and their continued use for this purpose and provide access for all.

21. Proposals for an estate/street name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street 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.

22. Prior to commencement of development, the developer 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.

23. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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

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

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

Reason: In the interests of public safety and residential amenity

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

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

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

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

Karen Hamilton
Planning Inspector

14th of November 2019

Appendix 1- List of Observers

1. Judy and Stephen Hayden
2. Maria and Fran Boyce
3. Michael and Noleen O' Leary
4. Pdraig and Ann Mc Cann
5. St Laurence's Park and Old Dublin Road Residents Association
6. Hugh and Miriam Cooney
7. Jean Ninna Bautista and Nancy T Baustita
8. St Michael's House
9. William Walsh
10. Xiaoh
11. Terry Moran
12. Shay Kelly
13. St John of God Sports Dept
14. St John of God Blackrock Day Service
15. Mona Boyce
16. Noel Burke
17. Pat O' Rourke
18. Rose Sanchez
19. Maura Tracy
20. Michael Brophy
21. Maria Jose Medina
22. Marie Mc Cann
23. Martin G
24. Margaret Mc Cann
25. Josephine Burke
26. Katie Craig
27. Maeve O' Connell
28. Joe O' Niell
29. John O' Sullivan
30. John Smith
31. Irish Ten Pin Bowling Association
32. Jacqueline Mc Entee
33. Jo
34. E Merrigan
35. Eithne Power
36. Irene Mc Loughlin
37. Desmond Dinn
38. Donal Smith
39. E Campbell
40. Christine Mooney
41. Dalkey Education Centre
42. Deirdre Donnelly
43. Denis Keane
44. Celine Brophy
45. Corey Burke
46. Andre Brown

47. Barbara Jordan
48. Barry Saul
49. Alanna Haycock

Prescribed Bodies

1. Irish Water
2. Transport Infrastructure Ireland.