



An
Bord
Pleanála

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

Inspector's Report ABP-305261-19

Strategic Housing Development	107 no. apartments, café and associated site works
Location	Building 5, Dundrum Town Centre, Sandyford Road, Dundrum, Dublin 16
Planning Authority	Dun Laoghaire Rathdown County Council
Applicant	Dundrum Retail GP DAC (Acting for and behalf of Dundrum Retail Limited Partnership)
Prescribed Bodies	IFI An Taisce Irish Water TII

Department of Defence

Observers

1. Catherine Martin
2. ING Bank NV

Date of Site Inspection

11th November 2019

Inspector

Rónán O'Connor

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site has an area of 0.43 ha and is located on Sandyford Road in Dundrum. The site is an infill site and is partially developed. It accommodates a podium that was constructed as part of the Dundrum Town Centre development with basement car parking below which forms part of the overall Dundrum Town Centre multi-level car park. The podium slab is approximately 2 metres higher than the level of the adjacent Sandyford Road. The site is current in temporary use as an ice-skating ring, as per planning permission reference D18A/0639.
- 2.2. Dundrum Town Centre is located to the south and west of the site. The existing service road, upper level of the Tesco podium car park and office buildings are located to the south and south-east of the site. To the north west of the site, is the Ridgford Apartment complex, constructed in the 1990's. Opposite the site is the Herbert Hill development, a large scale residential scheme that extends to 7 storeys, currently under construction. The Slang Stream runs along the eastern and northern boundaries of the site. It is a closed culvert for part of the eastern boundary and open culvert to remaining east boundary and north boundary.
- 2.3. Development in the vicinity is characterised by a mix of residential and commercial uses. The site is well served by public transport and is located c. 300 metres from the Balally Luas stop. There is a bus stop on the Sandyford Road.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development will consist of:

The construction of residential and ancillary accommodation in a 7 to 9 storey building over existing podium and basement completed as part of the overall Town Centre Development (Reg. Ref: D00A/0112, as amended).

The proposed new buildings have a total floor area of 9792 sq.m comprising 107 no. apartment units (comprising 1 no. studios, 50 no. 1 bed units, and 56 no. 2 bed units) with associated private balconies and communal amenity areas/ gardens at podium and roof levels.

The residential accommodation includes resident services, amenities and support facilities totalling 710.5 sqm consisting of lobby area, co-working space, multi-purpose / games room, management office and post room at ground floor level (270.9 sqm), gym at first floor (55 sq.m), cinema/media room at third floor level (55 sq.m), lounge at seventh floor level (114 sq.m) with visitor toilet block (25.3 sq.m), facilities storage (25.3 sq.m) at sixth floor level and residential storage at second floor level (55 sq.m), fourth floor level (55 sq.m) and fifth floor level (55 sq.m). A double height café / restaurant unit (79 sq.m) is proposed at ground floor with access doors to the internal services road. Part of the existing podium structure is removed to provide street level access to the café / restaurant unit.

The proposed building is located above an existing basement car park (3 levels) which will accommodate car parking at Basement Level 1M (47 spaces) including 5 no. e-car spaces with electrical charge points, 3 no. car club spaces and cycle parking (164 spaces), a new lift and stair core, plant and storage rooms.

The building entrance is located on the south eastern corner of the building with vehicular access to, and egress from the basement gained via the existing entrance on Sandyford Road.

Key Figures

Site Area	0.43ha
No. of units	107
Density	249.6 units/ha
Plot Ratio (excluding GFA of basement levels)	2.3
Site Coverage	31.6%
Height	7 to 9 Storeys
Dual Aspect	43.9%

Communal/Public Open Space	782 sq. m.
Part V	10 units (5 x 1 bed, 5 x 2 bed)
Vehicular Access	From Sandyford Road
Car Parking	47 (Basement Level 1)
Bicycle Parking	164 at basement level (Level 1M) 10 on street

Apartment Type	Unit Mix				
	Studio	1 bed	2 bed	3+bed	Total
No. of Apts	1	50	56	0	107
As % of Total	1%	46.7	52.3	0	100

4.0 Planning History

4.1.1. The two previous applications most relevant to the subject site are:

Planning Authority Reference D00A/0112

This is the parent permission for Dundrum Town Centre. Under this permission, it was proposed that the subject site be developed as a residential building (Building 5) of 4 storeys over podium to accommodate 62 units and a crèche. It was one of three pavilion buildings at the southern quarter of Dundrum Town Centre referred to as Buildings 3, 4, and 5. The podium level was constructed but the permitted residential block was never completed.

4.1.2. **Planning Authority Reference D18A/0639**

Permission granted for the temporary use (for the next 5 years 2018-2022 inclusive) of the external space above Building 5 of 1,795 sq. metres for the erection of a temporary structure (834 sq. m.) for use as an ice rink for a period of 17 weeks (October to January).

Adjacent Site

4.1.3. Planning Authority Reference D17A/0071/Appeal Reference PL06D.248343

Under application reference D17A/0071/ Appeal Reference PL06D.248343, the Board granted permission in September 2017 for a development referred to as the Herbert Hill residential scheme on a site opposite the subject site. This development is under construction and comprises an apartment block accommodating 91 units within the grounds of protected structure.

5.0 Section 5 Pre Application Consultation

5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 11th June 2019 in respect of a proposed development of 109 residential units and a café on the site. The main topics raised for discussion at the tripartite meeting were as follows:

1. Development Strategy – height and scale, materials and finishes.
2. Streetscape, public realm and boundary treatment.
3. Residential amenity, particularly with regard to sunlight and daylight.
4. Parking provision and management.
5. Drainage.
6. Any other matters

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion dated c (ABP Ref. ABP-304358-19) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **required further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

5.3. In the opinion of An Bord Pleanála, the following issues needed to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

Public Realm

5.4. Further consideration of documents as they relate to the interface of the development with the public realm and in particular that development appropriately responds to the sites context along the Sandyford Road. Consideration should be given to the relocation of the substation and omission/relocation of the service doors along Sandyford Road. Further clarity required regarding the treatment of the podium at street level and landscaping proposals. Detail should also be provided regarding the treatment of the public realm and streetscape along the existing service road to the rear of the site. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Sunlight and Daylight

5.5. Further consideration of documents as they relate to the layout of the development in order to achieve an improved level of sunlight and daylight access to ensure that the apartments are afforded a sufficient degree of amenity. Further consideration of this issues may require an amendment to the documents and/or design proposals submitted.

5.6. The opinion also stated that the following specific information should be submitted with any application for permission –

1. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances and boundary treatment/s. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.
2. A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.
3. A detailed analysis of car parking and bicycle parking demand and proposed parking strategy on the site particularly in the context of the proximity of the site to the LUAS and Dublin Bus Services and also due to the fact that it is served by a large multi storey car park. To include a statement on particular measures to

implement and manage the proposed car club spaces and how proposed car parking spaces will be allocated and managed.

4. Detailed drawings, sections, elevations and CGI's showing the treatment of the public realm along the Sandyford Road and to demonstrate that the development provides an appropriate interface and treatment of the public realm.
5. Further overshadowing analysis of the development in the context of surrounding residential development including Herbert Hill, Ridgefort Apartments and apartments in DTC to the south west.
6. Detailed landscape plan that ensures the principles of universal access are adhered to.
7. Childcare demand analysis and the likely demand for childcare places resulting from the proposed development.
8. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
9. Additional drainage details having regard to the report of the Drainage Division of the planning authority, as contained in submission received by An Bord Pleanála on the 28th of May 2019 from Dun Laoghaire Rathdown County Council.
10. Taking in charge plan.

5.7. Applicant's Statement

- 5.7.1. The application includes a statement of response to the pre-application consultation (set out in Section 2.0 of the Planning Statement), as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

Item 1 - Public Realm

- The application documents have been expanded to include additional drawings and CGI photomontages demonstrating the relationship between the proposed development and adjacent public realm, and Sandyford Road in particular.
- Details also included with the submitted Landscape Design Report

- The existing buffer between the street and the culvert will be landscaped in accordance with the Landscape Plan presented by Cunnane Stratton Reynolds (Drg 19130-1-100)
- ESB substation, due to various constraints and access requirements, needs to be located in this area—visual impact is mitigated by via cladding and planting – will be moved back from the road by over 1m.
- Completion of the Herbert Hill development will provide an improved urban edge.
- Existing bus stop to be integrated into the development/car park sign is to be replaced with a smaller sign.
- Café unit will provide an active street frontage.
- Proposed to demolish part of the existing podium and bring the café unit to street level.
- Design of the Sandyford Road elevation has been refined/service doors to Sandyford Road will be glazed.
- Café and residential lobby will be located along the internal access road.
- Public Realm improvements are proposed at the Level 2 shopping centre entrance.
- Existing triangular gravelled space between the internal service road and the Slang stream culvert will be transformed into a community garden.

There are a number of activity areas provided in the courtyard communal open space including seating, incidental play areas and soft landscaping.

Item 2 – Sunlight and Daylight

- A preliminary analysis was included at pre-app stage. A suite of documents is now included related to this item including a daylight / Sunlight Analysis Report, a Shadow Analysis Report, a Wind Analysis Report and an Energy Analysis Report.
- Proposed development has been revised - it is considered that the proposed development strikes a good balance between maximising daylight and sunlight access across the units within the development and providing an appropriate

density and compact form of development for the subject site and its urban context.

- Existing office building to the south is a constraint – however repositioning of the external balconies and reconfiguration of the internal layout of the scheme that has ensured that the degree by which these units fall below the standard is minimal.
- The overall number of residential units has been reduced from 109 to 107 through the omission and redesign of units at the angle of the “L” that were previously challenged by the daylighting studies.
- Balconies have been repositioned on the facades to allow better daylight and sunlight penetration into these units.
- Redesign of some of the units to allow better daylighting.
- The building has been redesigned to improve the level of daylight and sunlight for each apartment so that overall the number of rooms achieving higher than the target is 92% (81% in the pre-application scheme).

Specific Information Item 1 – Materials and Finishes

- A Materials and Finishes Report has been submitted which includes details on the treatment of balconies and winter gardens, landscaped areas, pathways, entrances, boundaries and streetscapes.

Specific Information Item 2 – Building Lifecycle Report

- Building Lifecycle Report has been submitted.

Specific Information Item 3 – Parking Analysis

- A Transport Statement has been submitted which includes details of measures on the implementation and management of the proposed car parking spaces including car club spaces.

Specific Information Item 4 – Treatment of Public Realm

- Landscape Plan – Drg 19130-1-100/Landscape Design Report contain full details and specification of the public realm proposals.

- Additional CGI's showing the treatment of the public realm along Sandyford Road are included in the Design Statement and the Visual Impact Assessment Report.

Specific Information Item 5 – Overshadowing Analysis

- A Shadow Analysis Report has been submitted. The overshadowing analysis has been extended to include Herbert Hill, Ridgford and the 15 apartments within the Dundrum Town Centre. No significant impacts are predicted.

Specific Information Item 6 – Landscape Plan – Universal Access

- Bulky outdoor furniture and seating have been removed to increase permeability through the site and communal areas. The arrangement of the podium courtyard has been simplified with generous spacing provided between the varying elements to ensure mobility throughout the site is safeguarded.

Specific Information Item 7 – Childcare Demand Analysis

- Childcare Demand Analysis confirms that the proposed development will not generate a demand for a childcare facility/It is considered that there is an adequate supply of existing and planned childcare facilities in the vicinity to cater for any demand generated by the development.

Specific Information Item 8 – Schedule of Accommodation

- A Schedule of Accommodation and Housing Quality Assessment has been submitted/Proposed development is fully compliant with the relevant standards contained within the abovementioned Section 28 Ministerial Guidelines.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant Section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009)
- 'Design Manual for Urban Roads and Streets' (DMURS) (2019)

- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018)
- Urban Development and Building Height, Guidelines for Planning Authorities (2018)
- Architectural Heritage Protection- Guidelines for Planning Authorities (2011)
- Childcare Facilities – Guidelines for Planning Authorities (2001)

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.

6.2. Local Policy

Dun Laoghaire Rathdown County Development Plan 2016-2022

The site is zoned Objective MTC – Major Town Centre – To protect, provide for and/or improve major town centre facilities. Dundrum is designated as a Metropolitan Consolidation Town and is identified as a key urban node with potential for further growth due to its location with regard to public transport networks, comparison shopping facilities and employment services provision.

Dundrum is designated a Major Centre in the Metropolitan Area in the Core Strategy Figure 1.1. Figure 1.3 identifies 410 ha of serviced land which are to yield 18,000 residential units. It is further noted that “In addition to the major parcels of zoned development land detailed above, the ongoing incremental infill and densification of the existing urban area will generate, over time and on a cumulative basis, relatively significant house numbers”. It is stated that a new Local Area Plan is to be prepared for Dundrum during the life of the County Plan.

Chapter 2 outlines that the Council is required to deliver c.30,800 units over the period 2014 – 2022. It is stated that the Council in seeking to secure this objective will focus on three strands, namely: increasing the supply of housing; ensuring an appropriate mix, type and range of housing; and, promoting the development of balanced sustainable communities.

Housing policies set out in section 2.1.3 include policy RES3: Residential Density, which promotes higher residential densities in the interests of promoting more sustainable development whilst ensuring a balance between this and ensuring the reasonable protection of residential amenities and established character of areas; RES4: Existing Housing Stock and Densification, which encourages the densification of existing housing stock to retain population levels, and RES7: Overall Housing Mix, which encourages the provision of a wide variety of housing and apartment types.

Other policies which relate to sustainable land use and travel include ST2: Integration of Land Use and Transportation Policies, ST19: Travel Demand Management, ST23: Car Clubs and ST27: Traffic & Transport Assessment and Road Safety Audits.

Section 4.2 considers Open Space and Recreation including Policy OSR5: Public Open Space Standards.

Section 7.1.3 refers to Community Facilities including Policy SIC11: Childcare Facilities.

Chapter 8 refers to Principles of Development and contains the urban design policies and principles for development including public realm design, building heights strategy, and car and cycle parking. Policy UD2 requires Design Statements for all medium to large developments, and UD6 refers to Building Height Strategy.

Appendix 9 details the Building Height Strategy. Section 4.8 states that a maximum of 3-4 storeys may be permitted in appropriate locations - for example on prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes - providing they have no detrimental effect on existing character and residential amenity. Furthermore, it states that there will be situations where a minor modification up or down in height by up to two floors could be considered and these factors are known as 'Upward or Downward Modifiers'.

Upward Modifiers are detailed in section 4.8.1. It is stated that Upward Modifiers may apply where: the development would create urban design benefits; would provide major planning gain; would have a civic, social or cultural importance; the built environment or topography would permit higher development without damaging appearance or character of an area; would contribute to the promotion of higher densities in areas with exceptional public transport accessibility; and, the size of the

site of e.g. 0.5 ha could set its own context. To demonstrate that additional height is justified, it will be necessary for a development to meet more than one 'Upward Modifier' criteria.

6.3. **Statement of Consistency**

The applicant has submitted a Statement of Consistency (included in Section 5.0 and 6.0 of the Planning Statement) as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 Guidelines and the City Development Plan. The following points are noted:

Dun Laoghaire-Rathdown County Development Plan

Zoning

Residential and café uses are permitted in principle under the MTZ zoning/is in accordance with zoning objective.

Strategic Policy

Dundrum is designated as a 'Metropolitan Consolidation Town' and is identified as a key urban node with potential for further growth

Proposal will deliver new and much sought after residential accommodation on an underutilised site within the Dundrum Town Centre in close proximity to public transport networks and amenities.

The development will increase the catchment population for the Town Centre and existing public transport networks

Housing

The proposal provides an appropriate housing mix

Number of primary schools and childcare facilities located in close proximity to the site

Development Management Standards

Development Plan pre-dates the publication of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018/Proposal complies with these Guidelines

47 car parking spaces provided/It is considered that providing c. 44% of the proposed units with a car parking space is compliant with the Apartment Guidelines and the Government's shift in policy towards more sustainable means of transport through significantly reduced parking provision.

Cycle parking

Cycle parking is to be provided at basement level/secure cages to be provided/designated cycle repair area to be provided.

Height

The application site is located in close proximity to a public transport node with the Balally Luas stop within walking distance from the site. Existing neighbouring structures including the Dundrum Town Centre, the RSA building and the Herbert Hill residential development have set a precedent for increased building heights in the area. As such, the proposed scheme is compliant with the DLR Building Height Strategy.

National Planning Framework

The proposal will deliver a medium to high density development of modern and adaptable new homes within an existing urban area in close proximity to existing public transport and local service provision.

Sustainable Residential Development in Urban Areas Guidelines, 2009

The proposed layout, design and built form is guided by the principles set out within the Guidelines and the design criteria within the Design Manual which ensures that the proposed development provides a variety of residential dwellings that are connected to local public transport options and accessible to existing retail and local services.

Urban Development and Building Height Guidelines for Planning Authorities 2018

The proposed development will provide an appropriate density of development to ensure an efficiency in land usage adjacent to an established public transport corridor and will provide a compact urban form over 7 – 9 storeys within a Major Town Centre location consistent with the prevailing pattern of development and building heights in the area.

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’

The design and layout of the proposed apartments are consistent with the standards for internal floor areas, rooms sizes, private amenity space and communal amenity space as set out in the 2018 Apartment Guidelines. Comprehensive schedules and floor plans demonstrating compliance with the standards will be provided within a Housing Quality Assessment.

Quality Housing for Sustainable Communities – Design Guidelines 2007

The Housing Quality Assessment and associated floor plans to be submitted with the application will confirm that the proposed housing units are designed in accordance with the Quality Housing for Sustainable Communities Guidelines.

Childcare Facilities – Guidelines for Planning Authorities (2001)

The proposed development of 107 apartments which comprises only 56 no. two bedroom units and no three+ bedroom apartments is not considered to generate a sufficient demand for additional childcare facilities in the Dundrum area. Any demand for childcare services arising from the proposed scheme can be adequately catered for within the local catchment area. The Guidelines can therefore be deemed to be addressed in this instance.

Planning System and Flood Risk Management Guidelines, 2009

A Site Specific Flood Risk Assessment has been prepared to address flood risk on the application site and adjacent properties in accordance with the guidelines.

7.0 Third Party Submissions

- 7.1.1. 2 no submissions on the application have been received from the following parties –
1. Catherine Martin TD and
 2. ING Bank NV.
- The issues raised are summarised below:

General/Nature of Proposal

- Concerns in relation to the Strategic Housing Application Process.
- This application materially contravenes Condition No. 1 of planning permission D00A/0112.

Design/Visual Impact

- Overdevelopment of site
- No objection to a development that this compatible with the nature, scale and height of the previous approval.
- More than double the height of the previous approval
- Concerns in relation to the bulk, scale and height of the proposal.
- Previous permission provided an appropriate transition in height at four and five storeys.
- Road is relatively narrow/no capacity to absorb that scale of building.
- Visual Impact Analysis does not provide proposed views from all relevant points.

Residential Standards/Amenity

- Contains no provision for childcare or open space.
- Substandard level of amenity for future residents
- Approximately 3 times the number of residential units/no material change in the quantum or quality of the open space provided.
- Fails to provide adequate daylight/Assessment should use the EU Standard that come into effect in Ireland in December 2018.
- Omissions within the daylighting report/inconsistent and misleading ADFs/Fails to achieve 100% compliance with the minimum targets.
- No overshadowing assessment has been carried out/will be overshadowing by adjacent buildings/has not considered overshadowing of Herbert Hill House.
- Would be overlooked by the adjacent office development/overlooking between apartments.

Housing Tenure/Housing Mix

- There will be no affordable housing.
- Large quantities of housing are being planned and built but all are looking to fulfil the same housing function – high end apartments suitable for young professionals to rent.

- Not suitable for families or those looking to downsize.
- Fear that all new housing will go the same way as the Fernbank estate where the entire block was sold to a pension fund for high-end rental.
- Proposal needs to be judged in the overall context of housing provision in the greater Dundrum Area/Flooding the area with one and two bed apartments.
- Urge the Board to consider the existing SHDs at Walled Gardens and Green Acres/Plans for the rest of Dundrum Town Centre.
- Need for housing appropriate to community needs, for all ages and abilities as well as for landowners and developers.
- Policy RES7 regard housing mix of the Dun Laoghaire-Rathdown County Development Plan is of note in this regard.
- Proposal consists entirely of built-to-rent 1 or 2 bed apartments.

Transport

- Development would create a canyon effect along a narrow stretch of the Sandyford Road/Would create a very intimidating streetscape for pedestrians and cyclists/multiple vehicular exits on the Sandyford Road.
- Lack of capacity on the Luas line – currently three SHD applications planned within one kilometre of Balally Luas stop.
- Lack of cycle infrastructure in the area/current level of traffic – mean it is unlikely that many people would cycle/puts further pressure on the Luas.
- Dundrum is served only infrequently by buses to the city centres/these are impacted traffic congestion.

Part V

- Little clarity in relation to how the Part V allocation will work/Part V proposal provides indicative unit numbers and costing only/little meaningful assessment can be made to the Part V proposal in advance of a grant of permission.

8.0 Planning Authority Submission

8.1. Dun Loaghaire-Rathdown County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

Principle/Nature of Proposal

- Principle of development is acceptable.
- No objection to demolition of ancillary structures on site.
- Concern is expressed in relation to the proposed density – consequent design implications/negative impact on existing and future amenity.

Layout/Form/Appearance

- Overdevelopment of the site.
- Concern that height has not been sufficiently justified in accordance with the Building Height Guidelines.
- Proposed L Shaped form/elevational detail/ angular shape welcomed/bring visual interest to the streetscape.
- Scheme is designed as a private rental scheme/however have not applied for BTR/therefore provisions of SPP7 and SPPR8 cannot be applied.
- Café on corner is welcomed.
- Lack of public open space is a concern/materially contravenes the provisions of the Development Plan.
- Scheme would benefit if it was set back from the culvert/soft landscaping introduced.
- Finishes/colour palette in keeping with the area.
- Rear of the building is less successful.
- No visual impact on setting of Herbert House has been carried out/setting has been altered by previous permission which is nearing completion.

Height

- Proposed scheme does not comply with the Building Height Strategy.
- Height is not justified due to overshadowing of adjoining buildings/failure to comply with BRE Guidelines.
- Dundrum Local Area Plan, at pre-draft stage, may identify sites for higher buildings.

Mix

- Is in compliance with Design Standards for New Apartments (2018).

Open Space

- Space to the rear appears part of the streetscape rather than public/communal open space/not considered part of the public open space provision.
- Lack of public open space.
- Does not comply with Section 28 Guidelines/materially contravenes Development Plan Standards.
- Certain circumstances allow the applicant to make a financial contribution in lieu of public/communal open space.

Supporting Community Infrastructure

- No public access to the facilities within the development/does not comply with SIC6 Community Facilities and RET4 and RET9.

Childcare

- Consider the area is lacking in childcare facilities.
- Lack of spaces following enquires/Dundrum crèche is principally to serve shoppers.
- Concerns also in relation to primary and secondary school capacity.

Residential Amenity

- Close position of apartment within the scheme would lead to an unreasonable loss of privacy for future residents.

- Reports fail to consider the impacts on the existing office/residential developments.
- No assessment of impact on Herbert Hill House.
- Lack of commentary on overshadowing from existing buildings on the proposed scheme/internal overshadowing.
- 8% of units will not achieved compliance with BRE ADF standards/kitchens have not been assessed/no analysis of existing units within Dundrum Town Centre.

Wind

- Condition should be included to ensure balustrade is included.

Transport

- Recommend an additional 43 no. short stay surface level parking spaces/also a min of 26 sheltered short stay cycle spaces.
- No objection to the loss of commercial spaces within the shopping centre.
- Proposed car parking provision is not in line with Development Plan Standards.
- Management of car parking spaces is ambiguous/also raises rights of way issues.

Floor Areas/Residential Standards

- Proposed development does not meet the minimum floor areas for 2 bed units, as they do not exceed the minimum standard by at least 10%.
- Number of units that do not meet ADF standard, are single space and whose outlook is towards Dundrum Town Centre.
- Proposal has up to 14 units per core which is not compliant with SPPR 6 of the Apartment Guidelines (max of 12)/do not concur that the staircase is a second core.
- Does not meet storage space standards.
- Concern in relation to the length of corridors.
- It is not clear where child's play areas are.

Drainage and Flooding

- Conclusions of the ‘Site Specific Flood Risk Assessment’ are accepted subject to conditions.

Conclusion and Recommendation

- While the planning authority would welcome a redevelopment of the site in principle, the proposed scheme materially contravenes several objectives of the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and Section 28 Guidelines.
- Planning Authority recommends **refusal** for three no. reasons relating to 1. Design, scale, bulk and height and impact on existing residential amenity; 2. Insufficient residential standards including light provision, minimum floor areas, storage space, communal facilities, open space, cycle parking and car parking. Also there excessive number of units per core, materially contravening SPPR 6 (of the Design Standards for New Apartment Guidelines)and 3. Insufficient car parking provision and is a material contravention of Section 8.2.4.5 Car Parking Standards and Table 8.2.3: Residential Land Use – Car Parking Standards of the Development Plan.
- Notwithstanding the above recommendation, a total of 40 no. Conditions are recommended, if ABP is minded to grant permission.
- The submission includes several technical reports from the relevant departments of DLRCC which are summarised below:

Housing Report

- On site proposal has the potential to comply with the requirements of Part V, subject to an agreement being reached on land values and development costs and funding being available.
- Recommended that, should a decision be made to grant planning permission, a condition be attached requiring the applicant/developer to enter into an agreement in accordance with Part V.

Drainage Report

- Conclusions contained within the Site Specific Flood Risk Assessment (SSFRA) are acceptable.

- Reduction in the area of green roof (from 60% to 54%) is acceptable given the applicant is providing alternative Suds measures at source (permeable paving) and additional treatment for roof run-off (roofs draining to bio-retention areas).
- Recommends conditions.

Parks Report

- Clarity is required in relation to what trees are being retained/will be impacted upon/Tree Report required.
- Communal open space is considered to be deficient – payment in lieu recommended.
- Recommended that building is setback from the culvert to provide access for maintenance and repairs.

Transport Report

- Additional surface cycle parking is required/reliance on town centre cycle spaces is not acceptable given high demand for same.
- Loss of parking spaces for the town centre is considered acceptable.
- Car parking provision of 0.44 per unit is not acceptable/does not provide for adequate car storage/car parking/recommendation of 1 space per unit/reallocation of 109 spaces within the Dundrum Town Centre is recommended/will have a negligible impact on the operation of the Town Centre Car Park.
- DLRCOCO recommend no stacked cycle parking.
- No reference or linkage to travel plans proposed as part of the parent permission.
- Recommends conditions.

Elected Members

8.1.1. A summary of the views of elected members as expressed at the Dundrum Area Committee Meeting held in Dundrum on the 23rd September 2019 is included in Section 9.0 of the Chief Executive's Report and is reproduced below:

- Total lack of public open space, contrary to the provisions of the County Development Plan.

- No childcare provision, contrary to the provisions of the County Development Plan.
- Lack of Part V Provision.
- Poor Quality of Units. All single aspect.
- Density is very high; overbearing and overshadowing impact on existing development seems difficult to avoid.
- Height is a concern. The development will result in a 'canyon' effect on Sandyford Road.
- Positive comments in relation to developments' appearance when viewed from Sandyford Road.
- Acceptable use of vacant site for higher density development.
- Dearth of apartments for sale in the area.
- Developments like this don't encourage downsizing.
- Dundrum is apartment centric.
- Need greater mix of units. There are no three bedroomed apartments in the development.
- Lack of affordable housing in the area and a proposal such as this will not help address this issue.
- Public Transport is at capacity and cycle facilities are very poor in this area. There is no alternative to the private motor car.
- The applicant is invited to visit the Luas at rush hour. There is no more capacity.
- Applications need to be assessed in terms of cumulative impact and not in isolation.
- Dangerous pedestrian environment in this area.

9.0 Prescribed Bodies

Irish Water

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

Transport Infrastructure Ireland

- No observations to make.

An Taisce

- Site is well suited for an apartment building.
- Previous permission for four storeys over a podium/current proposal is for seven to nine storeys over the existing podium.
- Height and massing of the proposed building are excessive for this location.
- Nine storey element is significantly higher than the existing office/retail block (Building 4) beside it/ apartment building at Herbert Hill.
- Would project above its surroundings and would be taken as a precedent elsewhere in Dundrum.
- No assessment of the impact on Herbert Hill House (Protected Structure)
- Remains a structure of special architectural and historical interest.
- Trees are unlikely to shelter the house from the overbearing and overlooking effect of the proposed nine-storey building.
- Proposed building should be reduced by at least two storeys to protect the amenities of the area and to reduce the impact on the Protected Structure.

Department of Defence

- Recommend condition in relation to the operation of cranes, given the proximity to Casement Aerodrome.

Inland Fisheries Ireland

- Slang stream functions as a nursery for the Dodder channel trout population.
- Consider the Slang as a stream with significant potential for rehabilitation.

- Any future development in the area should not cause degradation of fishery habitat.
- Only clean, uncontaminated waters must be permitted to discharge to the surface water network so that the ecological integrity of the system is protected.
- Drainages principles included SUDs strategies as outlined in the Greater Dublin Strategic Drainage Study (GDSDS) should be incorporated.
- On site attenuation ponds should allow for the settlement of fine/particulate materials.
- Petrol/oil interception/silt fencing recommended.
- Essential that the receiving foul and storm water infrastructure has adequate capacity to accept predicted volumes from the development.

10.0 Screening

10.1. Environmental Impact Assessment (EIA) Preliminary Assessment

- 10.1.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 10.1.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.
- (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 10.1.3. The proposed development involves 107 residential units and a café on a site of c0.43ha. The site is located in an urban area that may come within the above definition of a “business district” but is below the threshold of 2 ha for such a

location. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

10.1.4. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects. This preliminary examination has been carried out and it is concluded that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

10.2. Appropriate Assessment (AA) Stage I Screening

10.2.1. An Appropriate Assessment Screening Report (dated 09th August 2019) was submitted with the application. I have had regard to the contents of same. This report concludes that the proposed development will not cause direct or indirect impacts on any Natura 2000 sites and that Appropriate Assessment is not required.

10.2.2. The development site is not within or directly adjacent to any Natura 2000 site. The following designated sites are within 15 km of the development site:

Site (site code)	Distance from site	Qualifying Interests
South Dublin Bay and River Tolka Estuary SPA (004024)	C3.8km north-east	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143]

		<p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
South Dublin Bay SAC (000210)	C3.9km north-east	<p>Mudflats and sandflats not covered by seawater at low tide [1140].</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
North Bull Island SPA (004006)	C8.8km north-east	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p>

		<p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
North Dublin Bay SAC (000206)	C8.8km north-east	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p>

		<p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
Glenasmole Valley SAC (001209)	c9.1km south-west	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) [6210]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p>
Wicklow Mountains SAC (002122)	C6.2km south-west	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p>

		<p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Otter (<i>Lutra lutra</i>) [1355]</p>
Wicklow Mountains SPA (004040)	C6.4km south-west	<p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p>
Baldoyle Bay SAC (000199)	C14.3km north-east	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-</i></p>

		Puccinellietalia maritimae [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]
Baldoyle Bay SPA (004016)	C14.3km north-east	Ringed Plover (Charadrius hiaticula) [A137] Shelduck (Tadorna tadorna) [A048] Golden Plover (Pluvialis apricaria) [A140] Bar-tailed Godwit (Limosa lapponica) [A157] Grey Plover (Pluvialis squatarola) [A141] Light-bellied Brent Goose (Branta bernicla hrota) [A046]
Rockabill to Dalkey Island SAC (003000)	C9.9km east	Reefs [1170] Harbour Porpoise (Phocoena phocoena) [1351]
Howth Head Coast SAC (000202)	c13.2north-east	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]
Knocksink Wood SAC (000725)	C8.5km south	Petrifying springs with tufa formation (Cratoneurion) [7220] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
Dalkey Islands SPA (004172)	C9.7km east	Arctic Tern (Sterna paradisaea) [A194]

		Common Tern (<i>Sterna hirundo</i>) [A193] Roseate Tern (<i>Sterna dougallii</i>) [A192]
Ballyman Glen SAC (00713)	10.0km south-east	. Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] . Alkaline fens [7320]
Bray Head SAC (00714)	14.2km south-east	. Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]

Potential Effects on Designated Sites

- 10.2.13. The proposed development would not be in or immediately adjacent to any Natura 2000 site. The nearest Natura 2000 sites are South Dublin Bay and River Tolka Estuary SPA (site code 004024) and South Dublin Bay SAC (site code 000210) which lie to the north-east of the site, at a distance of 3.8km and 3.9km respectively.
- 10.2.14. The River Slang runs to the north of the site. This feeds into the River Dodder, which in turn feeds into the River Liffey, which in turn feeds into South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC, and therefore there is a potential direct hydrological pathway to the above Natura 2000 sites and the other coastal sites beyond including North Bull Island SPA, North Dublin Bay SAC, Baldoyle Bay SAC, Baldoyle Bay SPA, Howth Head Coast SAC, Rockabill to Dalkey Island SAC, Dalkey Islands SPA and Bray Head SAC.
- 10.2.15. The River Slang has been extensively culverted and re-aligned during the construction of the Dundrum Town Centre, the Riversdale Residential Development and associated roads. To the east of the site the river passes underneath Sandyford Road in a closed culvert. It then flows through the proposed development site in an open-topped culvert of approximately 3m width, located approximately 3-4m below ground level. To the west of the site the river passes through a series of metal screens, and turns west in a closed culvert under the Dundrum Town Centre, emerging into an open culvert alongside the Dundrum by-pass. It meets the River

Dodder at Milltown approximately 2.8km north of the site, which then flows north-east to meet the River Liffey a further 5.2km downstream.

- 10.2.16. The culvert is bounded by fencing and solid walls that are approximately 1m in height.
- 10.2.17. Given the river runs through the development site, there is potential for pollutants to enter the River Slang during both the construction and operational phases of development.
- 10.2.18. In relation to the construction phases, potential pollutants include silt and hydrocarbons/chemicals, given that construction works typically generate fine sediments and could also generate result in accidental spills of oils and other toxic chemicals. Should these enter the watercourse over the existing 1m high barrier, they would travel via the Slang River, into the larger watercourse of the River Dodder, and in turn into the larger watercourse of the River Liffey, before finally discharging into Dublin Bay, a total downstream distance of approximately 10km. It is likely that any pollutants would be significantly diluted by the point of discharge into Dublin Bay, given the distance involved and the volume of water relative to the volume of likely pollutants, and therefore likely significant effects on the Coastal sites listed above can be ruled out, having regard to the sites' conservation objectives.
- 10.2.19. During the operational phase of the development, there main potential impacts relate to surface water run-off and foul water drainage. In relation to surface water, rainwater will either percolate to ground in green areas, or will be collected in gutters/drains and discharged to local authority sewers. Foul water will be discharged to a local authority foul sewer. There is therefore an indirect hydrological pathway between the application site and the coastal sites listed above via the public drainage system and the Ringsend WWTP. However, I consider that the distances are such that any pollutants would be diluted and dispersed, and ultimately treated in the Ringsend plant, and I am therefore satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them in view of their qualifying interests and conservation objectives.

10.2.20. With regard to non-coastal sites, there is no direct or indirect hydrological pathway, or other realistic pathways to same, and consequently no likelihood of significant effects on these sites in view of their qualifying interests and conservation objectives.

In Combination or Cumulative Effects

10.2.21. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and in the Dundrum Area, by the Dun Laoghaire-Rathdown County Development Plan 2016-2022. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

AA Screening Conclusion

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

11.0 Assessment

11.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Principle of Development
- Building Height, Design and Layout
- Conservation/Built Heritage
- Residential Amenities
- Quality of Residential Accommodation
- Traffic and Transport
- Flood Risk
- Site Services
- Childcare
- Other Issues

11.2. Principle of Development/Density

- 11.2.1. The site is zoned 'Major Town Centre' and residential use and café use are permitted uses within this zoning objective. As such the principle of a residential development and a cafe is acceptable.
- 11.2.2. I also note the previous permission for a residential building on this site (Ref D00A/0112). This is the parent permission for Dundrum Town Centre. Under this permission, it was proposed that the subject site be developed as a residential building (Building 5) of 4 storeys over podium to accommodate 62 units and a crèche. It was one of three pavilion buildings at the southern quarter of Dundrum Town Centre referred to as Buildings 3, 4, and 5. The podium level was constructed but the permitted residential block was never completed. However a residential proposal on the site has previously been accepted.
- 11.2.3. In relation to the density proposed, I note the planning authority consider the density of 249.6 units/ha is excessive, leading to concerns in relation to internal amenity and impacts on neighbouring amenity.
- 11.2.4. In relation to same, policy at national and local level seeks to encourage development in key locations particularly around public transport nodes. Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. I

consider that the application site complies with those objectives and supports government policy seeking to increase densities and thereby deliver compact urban growth.

11.2.5. I also note the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) which state, with respect to location, that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. I consider that the scale and extent of the proposed development is compliant with this guidance, given its proximity to core urban centres, public transport nodes, employment locations, retail and other community amenities. In addition, I am of the opinion that this site could be considered a 'Central and/or Accessible Urban Location' as described in the Guidelines, as it complies with the characteristics described therein and therefore is suitable for higher density.

11.2.6. I note also the provisions of Sustainable Development in Urban Areas – Guidelines for Planning Authorities (2009) which note that for sites in city and town centres, such as this one, there should in principle be no upper limit on the number of dwellings that may be provided within any town or city centre site, subject to safeguards. The site could also be considered a Public Transport Corridor, given its proximity to Ballyally Luas Station, and is therefore suitable for higher density development, as outlined in the Guidelines.

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

11.3. **Building Height, Design and Layout**

11.3.1. The development comprises the following elements:

- Construction of residential and ancillary accommodation in a 7 to 9 storey building over existing podium and basement. The top two floors incorporate setbacks.

- Total floor area of 9792 sq. m. comprising 107 no. apartment units with associated private balconies and communal amenity areas/gardens at podium and roof levels.
- Double height cafe/restaurant unit (79 sq. m) is proposed at ground floor with access doors to the internal services road.
- Removal of part of the existing podium structure to provide street level access to the café/restaurant unit.

Height, Bulk and Massing

- 11.3.2. The Planning Authority, the observation from An Taisce and the two no. third party submissions have raised concern in relation to the height, bulk and massing of the proposal.
- 11.3.3. I note the stipulations of the Dun Laoghaire Rathdown Building Height Strategy , which notes that for locations such as these, a height limit of 3-4 storeys shall apply, with upward modifiers of up to 2 additional storeys allowable in particular circumstances, including where a site lies within 500m walking distance of a Luas stop, as is the case with this site. The submission from the Planning Authority states that, while an increase in height over and above that permitted in the Development Plan may be acceptable subject to compliance with SPPR 3 of the Urban Development and Building Height Guidelines (2018), concern is raised that the height has not been sufficiently justified in accordance with said guidelines.
- 11.3.4. The Urban Development and Building Height Guidelines (2018) state that there is a presumption in favour of buildings of increased height in town/city cores and in other urban locations with good public transport accessibility. The subject site is located within the town core of Dundrum and is located within 350m of the Ballyally Luas station. Therefore the location of the site is one which in principle allows for greater height, subject to the criteria outlined in the Section 3.2 of the guidelines.
- 11.3.5. Section 3.2 of the Guidelines requires that, where higher buildings are being proposed, the applicant shall demonstrate to the satisfaction of the Planning Authority/ An Bord Pleanála, that the proposed development satisfies a number of criteria that relate *inter alia* to the accessibility of the site, integration with the character and public realm, consideration of building form, incorporation of public

spaces, maximising internal amenity and minimising impacts on surrounding residential amenity. I have had regard to these criteria in my assessment.

11.3.6. Of particular relevance is SPPR3 of the guidelines which state:

It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and

2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

11.3.7. The site is highly accessible, having regard to its proximity to public transport links, and therefore the site is, in principle, suitable for higher buildings. The office and retail building to the south and south-east (Building 4, Dundrum Town Centre) and the main town centre building to the west and south-west, are relatively high, and, in particular, Building 4 presents a strong frontage onto Sandyford Road. The Herbert Hill Apartment development, opposite the site, is nearing completion and this includes buildings up to 8 storeys in height. The Riversdale Apartment development to the south-east of the site, has buildings up to 7 storeys fronting onto Sandyford Road. The existing character of the area is one of buildings with considerable scale and precedent for such height in the immediate area has long been established.

11.3.8. The 9 storey corner element of the proposed development, does not read as excessively high when viewed in relation to Building 4, when viewed in relation to the higher elements of Dundrum Town Centre to the rear of the site, and when viewed in relation to the higher buildings on the opposite side of Sandyford Road. The top two floors incorporate setbacks which serve to minimise the apparent bulk and massing of the building. The 9 storey element of the proposal, steps down to 8 storeys towards the rear of the site. The eight storey element incorporates a significant setback from the northern boundary, and height steps down to 7 storeys to reflect the lower building heights to the north of the site. The 7 and 8 storey façade onto

Sandyford Road is setback from the corner element, further reducing the apparent bulk and massing of the development.

11.3.9. Overall, having regard to the above considerations, I consider the height, bulk and massing to be appropriate.

Layout

11.3.10. In terms of the layout, I note the site is relatively constrained in terms of area, and the design approach taken, that of a 'L' shaped layout is a logical one, that maximises built form on the site while allowing for areas of private, communal and public open space (the quality of which is considered in the relevant sections below). I note the Planning Authority welcome the approach to the layout and the elevational detail and state the development brings visual interest to the streetscape.

Detailed Design

11.3.11. In terms of detailed design, the quality of finish and materials is considered to be high, and the overall appearance makes reference to the existing streetscape but also retains its own distinctive identity. The materials proposed are a combination of natural stone, with an off-white finish (for the higher corner element), and a fibre cement rainscreen cladding, with a grey finish (for the lower elements). The use of a combination of materials also serves to break up the massing of the building. The Planning Authority welcome the detailed design of the building and state the finishes and colour palette are in keeping with the area. However, the PA consider that the rear of building is less successful.

11.3.12. While I concur that there are some elements of the rear façade that are perhaps not as successful as the front facade, such as the rear of the 8 storey element fronting onto the service road, which is somewhat unsatisfactory in terms of the detailed design. However the use of contrasting materials gives some visual interest to this element. The rear of the site is dominated visually by the raised communal space and the area of landscaped public opens space, which all help to soften the overall appearance of the development when viewed from the service road to the rear, and from other locations with the Dundrum Town Centre Development.

Public Realm

- 11.3.13. The Opinion issued at pre-application stage required further consideration of documents as they relate to the interface of the development with the public realm, and in particular in relation to the Sandyford Road, the existing substation, the service doors on Sandyford Road, and the treatment of the podium at street level and landscaping proposals.
- 11.3.14. The applicant has now submitted additional documentation that includes a number of drawings and CGI photomontages demonstrating the relationship between the proposed development and adjacent public realm. The existing buffer between the street and the culvert will be landscaped in accordance with the Landscape Plan. I consider that this space is successful and will provide a welcome softening of the urban landscape, and is an improvement on the existing unattractive urban realm which currently exists.
- 11.3.15. The raised podium level is demarcated from the street by street planting, boundary walls and balustrading, as well as a clearly defined residential access steps and a covered accessed ramp, providing universal access to this area. The material and finishes report outlines the finishes proposed for the terraced areas and for the public realm. The visual impact of the existing ESB substation is mitigated by via cladding and planting. It is now proposed to provide glazed doors to the service/escape doors along Sandyford Road. The detailed landscaping strategy outlines the hard and soft landscaping proposals for the Sandyford Road frontage, and provides seating areas to the front of the café and adjacent to the culverted River Slang, as well as tree planting and widened footpaths. In addition, the Café unit will provide an active street frontage with the Café and residential lobby located along the internal access road, providing activity at this location. It is my view that the applicant has responded adequately to the concerns raised at pre-application stage, and the proposal provides a positive contribution to the public realm.

11.4. **Conservation/Built Heritage**

- 11.4.1. The planning authority, An Taisce and the third party submissions raise concerns in relation to the impact on Herbert Hill House, located c48m to the east of the subject site. This is a Protected Structure (RPS No. 1362) and the submissions state that there has been little to no assessment in relation to the impact on the setting of same.

- 11.4.2. While I acknowledge that there is little discussion on the impact of same within the application documents, it is my view that the proposal will have no material impact on the setting of Herbert Hill House, having regard to the distance from the subject site, and the substantial screening provided by the large mature trees on the boundary of the Herbert Hill site. There are very few points on Sandyford Road where the proposed development will be seen in the same field of view as Herbert Hill House, and where this does occur, I do not consider that the appearance of the proposal would detrimentally impact on the setting, and would read as part of the overall Dundrum Town Centre development.
- 11.4.3. Furthermore, and notwithstanding the above, the setting of Herbert Hill House has been substantially altered by the most recent permission on the site for a residential development (PA ref D15A/0405 & ABP Ref PL06D.2345456; and modifications under PA ref D16A/0298 & and ABP Ref PL06D.246950; PA Ref D17A/0071 & ABP Ref PL06D.248343), which is now nearing completion. I do not consider that this current proposal results in any further impact on the setting of same.

11.5. Residential Amenities

- 11.5.1. The applicant has submitted a Shadow Analysis Report (dated August 2019) which considers the impacts of overshadowing of neighbouring residential buildings, namely the existing Dundrum Town Centre Apartments (which are within the ownership of the applicant), located to west of the development; Ridgeford Apartments located to the north-west of the site; and Herbert Hill House and Apartments, located to the north east of the site.
- 11.5.2. The applicant has also submitted a Daylight Sunlight Analysis Report (dated August 2019) that considers daylight availability to the existing Dundrum Town Centre Apartments in terms of VSC, and also the daylighting to the proposed amenity spaces. The report also considers internal daylight levels to the proposed units, in terms of ADF.

Neighbouring Residential Amenity

- 11.5.3. The Shadow Analysis report considers overshadowing of neighbouring sites at times on March 21st ranging from 12:00 to 16:00, and also on June 21st with times ranging from 10:00 to 16:00. The report concludes that there will be no impact on the Dundrum Town Centre Apartments, with only very limited impacts on the Ridgeford

Apartments and the Herbert Hill site. I generally concur that there will be not material impacts, having regard to overshadowing, on the Ridgford Apartment development (which is a distance of c24m from the proposed development) and Herbert Hill development (which is a distance of c44 m at the closest point), due to the distance of these residential receptors from the proposed development, the orientation of these existing developments relative to the proposed development and the nature of the development being proposed.

11.5.4. Neither report carries out an analysis of daylight and sunlight levels received to the Ridgford Apartments and the Herbert Hill site in terms of Vertical Sky Component (VSC), Average Daylight Factor Values (ADF) or Annual Percentage Sunlight Hours (APSH). I am satisfied, however, that there is unlikely to be any material impact on daylight/sunlight levels to the Ridgford Apartments and to Herbert Hill development, due the distance of these receptors from the proposed development, the orientation of these existing developments relative to the proposed development and the nature of the development being proposed.

11.5.5. In to the existing Dundrum Town Centre Apartments, it is unfortunate that the Shadow Analysis does not consider impacts on morning sunlight on March 21st. However, the Daylight Sunlight report carries out an analysis of the impact on the existing Dundrum Town Centre Apartments in terms of VSC Daylight Availability. It is concluded that VSC levels will be over 25%, which is in line with BRE Guidelines. There is however no analysis on the impact on sunlight levels in terms of Annual Percentage Sunlight Hours (APSH). I consider that there are potential impacts on the Dundrum Town Centre Apartments, in relation to sunlight in the morning hours. However, the orientation of these units, combined with the proximity of these units to the site (the closest unit is approximately 13m from the proposed rear elevation), is such that any development of scale is likely to impact on the sunlight levels to these units, including that previously permitted development of 4 storeys over basement. In addition, the existing Dundrum Town Centre residential units currently benefit from a site that is currently undeveloped, and as such currently allows for relatively unobstructed sunlight penetration from an easterly direction, despite its urban location. Furthermore, the open courtyard serving the proposed development, which is to the front of these units, and the fact the existing elevation of the Dundrum Town Centre curves away from the development site, increasing the separation distance

from the existing units to the development site, reduces the overall impact on these units.

- 11.5.6. As such, while some impacts to the morning sunlight levels on these existing units at Dundrum Town Centre is likely, I do not consider the impacts are so material so as to warrant a refusal in this instance, having regard to the considerations above.

Internal Residential Amenity

- 11.5.7. The Opinion issued at pre-application stage required further consideration of documents as they relate to the layout of the development in order to achieve an improved level of sunlight and daylight access to ensure that the apartments are afforded a sufficient degree of amenity. The issue of internal daylighting was also raised the planning authority, both at pre-application stage, and at application stage in relation to this current proposal. It has also been raised by the third party submissions.
- 11.5.8. The Daylight Sunlight report considers Daylight availability to the proposed facades and notes that the existing Block 4 shadows some of the lower elements of the southern façade, with some of the balconies reducing daylight availability to the western façade. It is noted the north and east facades perform very well with excellent daylight availability.
- 11.5.9. The Daylight Sunlight report also considers the internal daylight achieved by the residential units in terms of Average Daylight Factor (ADF). The internal spaces were assessed against the following BRE Standards >1.5% for living areas and > 1% for bedrooms. It was found that 92% of the units complied with BRE standards for living and bedroom areas. Those units which do not achieve BRE standards are generally those which face south towards the existing Block 4 Building, Dundrum Town Centre. Of the units which do not achieve the BRE Targets, 50% if of these apartments are within 80% of the BRE Guideline Target.
- 11.5.10. The applicants note that the scheme has been revised since pre-application stage with the number of units being reduced by two from 109 to 107 units and the remaining units have been reconfigured so the number of rooms exceeding the BRE Target has been increased from 81% at pre-application stage to the above cited 92%.

11.5.11. It is unfortunate that the applicants have not considered ADF values for the kitchen areas, which generally require an ADF value of 2%. However the units are open plan with combined living/dining/kitchen areas and as such the kitchen areas will benefit from internal daylight availability to the living/dining areas. This is in line with the BRE Guidance which state that, where internal galley type kitchens are proposed, they should be linked to a well daylight living room.

11.5.12. Furthermore I note that the BRE Guidelines state that the targets within the documents are to be interpreted flexibility and a large number of other factors will have an impact on internal daylight levels. In this instance the larger built form of the office building to the south has a substantial impact on daylight levels to the units. Furthermore the Design Standards for New Apartments 2018 also acknowledge that there may be site and location constraints that impact on daylight provision, and that any assessment must be balanced against achieving wider planning objectives, such as securing urban regeneration.

11.5.13. In this instance, the site is an infill site which is dominated by built form on the southern and western boundaries. It is also a site that has been previously approved for residential development, and the zoning of the site allows for such residential development. It is noted that the previously approved residential development would also have been impacted by the proximity of the surrounding built form, and is of note that the lower units are the most impacted in this instance, and the living/dining areas on all floors from the fourth floor to roof level achieve full compliance with the BRE Guidelines. The application details compensatory communal amenities and open space which will provide additional amenity for residents (see discussion on communal amenities/open space below).

11.5.14. It is my view that the applicant has responded adequately to the concerns raised at pre-application stage, and the overall level of residential amenity is acceptable, having regard to internal daylight provision.

Open Spaces

11.5.15. The report also considers sunlight levels on the amenity spaces proposed within the development. The report concludes that the impacts on the existing amenity spaces are all within the range of the BRE Guidelines

11.5.16. The analysis prepared by the applicant is in the context of relevant Building Research Establishment (BRE) daylight and sunlight guidance, a widely accepted approach to achieve acceptable levels of development.

11.5.17. The BRE guidance states that at least 50% of the amenity space in question should receive at least two hours of sunlight on the 21st March and that any loss of sunlight should not be greater than 0.8% of its former value. This has been achieved for the proposed amenity spaces.

Communal Amenities

11.5.18. The proposal also includes a number of communal residential amenities such as a co-working space, multipurpose games room, gym, cinema/media room and lounge areas. The spaces will be managed by a central operator as outlined in the Outline Apartment Management Strategy. These amenities are considered to be a positive addition to the scheme.

Overlooking

11.5.19. The planning authority and the third party submissions have raised concerns in relation to overlooking of the development from the adjoining office building, and also in relation to overlooking of the office building from the residential units. The issue of internal overlooking has also been raised as a concern.

11.5.20. In relation to overlooking of adjoining sites, I note that Block 4 to the south is in office and commercial use, and no overlooking of any residential units will occur. In relation to the residential units at Dundrum Town Centre, the nearest directly opposing windows are c.25m away from each other and as such no material overlooking will result. In relation to the Ridgford Apartments to the north-west, the nearest opposing windows are c.24m away, and as such no overlooking of these existing units will result. No other residential developments will be materially overlooked as a result of this development.

11.5.21. In relation to internal overlooking between the proposed units, while I note that some of the external balconies are in reasonably close proximity to each other, there are no directly opposing windows in close proximity to each other, The nearest directly opposing windows are c17m apart. As such I do not consider that internal overlooking is a concern in this instance.

11.6. Quality of Residential Accommodation

Mix

- 11.6.1. The proposed mix of units is as follows: 1 x studio (1%); 50 X 1 bed (46.7%); 56 x 2 bed (52.3%).
- 11.6.2. The proposal does not exceed more than 50% studios or 1 beds and is therefore in compliance with SPPR 1 of the Design Standards for New Apartments. While no 3 or 4 bed units are proposed, the applicant notes the large amount of 3 and 4 bedroom houses in the vicinity. It is expected that the demographic for the proposed development will be comprised of smaller households. I note that the development will also allow for downsizing, freeing up unused larger units in the vicinity. I consider the mix to be acceptable in this instance.

Floor Area

- 11.6.3. The studio, one and two bedroom apartments are designed to exceed minimum standards with more than 10% over minimum size standards (a total of 61 units or 57% of the units are over 10% over the minimum size standards). I note that there are 3 no. 2 bed/3 person units proposed (2.8% of the total no of units) which require a smaller minimum floor area. The Design Standards for New Apartments note that such units, while providing necessary variation in dwelling size, should not comprise more than 10% of the total number of units in any private residential development. The proposal complies with this provision.

Dual Aspect

- 11.6.4. The number of dual aspect units is 44% which exceed the policy requirement of 33% in central and/or accessible locations such as this one.

Storage

The proposal complies with the minimum storage areas as set out in Appendix 1 of the Design Standards for New Apartments (2018).

Cores

The Planning Authority has stated that the proposal materially contravenes SPP6 of the Design Standards for New Apartments, as the scheme has up to 14 apartments per floor. SPPR 6 states that a maximum of 12 apartments per floor per core may be

provided for. The PA is concerned in relation to the number of units that would access the single stair/lift core. However, while ideally a lift would be provided at each stair core, in this instance two no. lifts are provided at in a single core, with another staircase being provided. I consider that the constraints of the site are such that this is acceptable, and it still allows for one of the lifts to undergo maintenance, with the other operational, allowing for access to the units to be maintained. Corridor lengths are not excessive, given the layout of the proposal. I do not concur then that the proposal would materially contravene SPP6 of the Design Standards for New Apartments.

Amenity Space

- 11.6.5. All private amenity spaces in the development comply with or exceed the minimum required floor areas for private amenity spaces. In terms of communal space, external communal space for use by residents of the scheme is located within the south-west facing podium. A roof terrace is also located at 7th floor level. The total area of communal open space, for the exclusive use of the residents is 575 sq. m. An area of public open space is provide to the south-west corner of the site. A total area of 782 sq. m. of communal/public open space is being provided, which is in excess of the requirements, as set out in Appendix 1 of the Design Standards for New Apartments (which requires a total of 646 sq. m).
- 11.6.6. I note the concerns of the Planning Authority in relation to the area of public open space (a total of 291 sq. m) which they did not consider part of the open space provision, and considered it appeared more part of the streetscape/public realm, and therefore were of the opinion that the development does not comply with Section 28 requirements and materially contravenes development plan standards. However it is also suggested that a financial contribution in lieu of open space could be made, as allowed for under Section 8.2.8.2 of the County Development Plan.
- 11.6.7. I do not concur with this assessment in relation to the nature of the public open space, which I consider provides a welcome and useable amenity for the area and should be considered as part of the public/communal open space provision. As such the overall provision complies with the standards as set out in Appendix 1 Appendix 1 of the Design Standards for New Apartments (2018) and also complies with the relevant section of the Development Plan (Section 8.2.8.2) which states that the

Planning Authority requires a default minimum of 10% of the overall site area for all residential developments to be reserved for use as Public Open Space and/or Communal Space. Having regard to the over site area of 0.43ha, this would require a default minimum of 430 sq. m of communal/public open space, which has been exceeded in this instance.

- 11.6.8. I do not concur, therefore, that the proposal materially contravenes the relevant provisions of the Development Plan, as relates to Open Space provision and I note also that the proposal is in compliance with open space standards as set in Appendix 1 of the Appendix 1 of the Design Standards for New Apartments (2018).

11.7. **Traffic and Transport**

- 11.8. A Transport Statement has been submitted with the application and I have had regard to same.

Car Parking

- 11.8.1. 44% of the units will be provided with a car parking space, equating to 47 spaces including 5 no. "e-car" spaces. In addition, 3 no. Car club spaces are proposed. These spaces will be provided below the footprint of the building in the existing Dundrum Town Centre Level 1. These are existing car parking spaces currently allocated to the Dundrum Town Centre use. The planning authority has no objection to the principle of this reallocation, noting the highly accessible nature of the town centre and the need to discourage the reliance on private car use. However, the planning authority does have concern in relation to the shortfall in car parking for the proposed residential units and consider that a provision of 1:1 would be more appropriate (which would require a total of 107 car parking spaces). In the recommended reason for refusal No. 3, the Planning Authority states the under-provision of car parking materially contravenes Section 8.2.4.5 Car Parking Standards and Table 8.2.3 Residential Land Use – Car Parking Standards of the Development Plan.
- 11.8.2. I have had regard to the provisions of Sections 4.19 to 4.21 of the Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities, which states that within central and/or accessible locations (such as this site) the default policy is for car parking to be minimised, substantially reduced or wholly eliminated in certain circumstances. I have also had regard to a recent Board

Decision for a strategic housing development at “The Walled Garden”, Gort Mhuire, Dundrum, Dublin 14 (APB Reference PL06D.304590) where a lower car parking ratio was provided (0.31 spaces per unit), on a site that was further away from the Luas stop (approximately 900m from Balally Luas stop). This was considered to be acceptable and was not considered to be a material contravention of the Development Plan standards in relation to car parking. I therefore consider the provision of 0.44 spaces per unit to be appropriate in this instance and I do not consider this level of provision to be a material contravention of Section 8.2.4.5 Car Parking Standards and Table 8.2.3 Residential Land Use – Car Parking Standards of the Development Plan.

In relation to the management of the car parking spaces I concur with the concerns of the local authority in this regard. Section 5.6 of the ‘Building Lifecycle Report states that parking will be allocated on a first come first served basis and car parking will not be allocated to individual apartments. The failure to link car parking spaces to individual apartments is likely to result in a scenario where the number of cars owned by residents exceeds the number of available car parking spaces, resulting in an increased likelihood of parking spillage into the surrounding area. In order to avoid this the car parking spaces should be allocated to particular apartments, with the exception of the visitor spaces and car club sharing spaces. In areas, such as this one, where there is no available on-street parking on the immediate surrounding roads, I consider that it would be advisable to give certainty to residents about whether they have, or do not have, a parking space. This issue could be addressed by way of condition, should the Board be minded to grant permission.

Cycle Parking

A total of 164 no. cycle parking spaces are being provided (for use by residents and visitors) and 10 on-street parking spaces on Sandyford Road. I note this falls short of the requirements of the standards stated in Section 4.17 of Design Standards for New Apartments (2018) which require a total of 217 No. spaces (163 resident and 54 visitor). The Planning Authority consider that an additional 44 no. surface level parking space are required to include a minimum of 26 sheltered short-stay spaces. However there is very limited available area to accommodate same. I consider that additional 44 cycle parking spaces should be provided at basement level, and this can be required by way of condition.

Impact on the surrounding road network

11.9. The Transport Assessment notes that the development is expected to generate in the region of 58 two way people trips in the AM period (11 arrivals and 47 departures) and 76 two way people trips in the PM period (51 arrivals and 25 departures). In terms of modal split, the Transport Assessment indicates that the majority of people trips to and from the proposed development will be made by public transport and active travel, specifically walking with the proposed development expected to generate in the region of 24 two-way vehicle trips in the AM peak period (4 arrivals and 20 departures) and 32 two-way vehicle trips in the PM peak period (21 arrivals and 11 departures). Having regard to the estimated number of vehicle trips generated, I do not consider the proposal would have a material impact on the surrounding road network, in terms of traffic volumes.

11.10. Flood Risk

- 11.10.1. A Flood Risk Assessment has been submitted with the application (T J O'Connor & Associates – August 2019). This concludes that the site is not considered at risk from pluvial flooding or coastal flooding. The potential risks to the site have been identified as fluvial/surface water flooding.
- 11.10.2. The FRA notes previous flood events on or near this site, the most relevant of which is the flood event of 24th October 2011 which was a fluvial/surface water flood event which impacted on Dundrum Shopping Centre as well as other locations. Mapping included in the FRA (Appendix C) indicates that flooding occurred in the immediate vicinity of the development site and that the red car park was also flooded as a result of flood waters spilling down the entrance ramp off the Sandyford Road.
- 11.10.3. The FRA also notes that during the flood event the blocking of the inlet screen of the Slang culvert with debris led to flood flows overtopping the culvert and inundating the town centre.
- 11.10.4. The FRA refers to mapping produced by DLRCC as part of a Stage 3 FRA for the Dundrum Major Town Centre which indicate that the development site is located within Flood Zones A, B and C – The majority of the site is classified as Flood Zone C with sections of the site to the north, northeast and east classified as a mixture of Flood Zone A and Flood Zone B. CFRAMs studies have previously identified the flooding mechanism as overland flood flows. The cause of these overland flows is

due to capacity constraints in the upstream channel and culverts which are susceptible to surcharging during flood events.

- 11.10.5. The FRA notes that the area that is identified as Flood Zone A is around the entrance to the red carpark and notes that flooding of the site will be prevented by the existing demountable flood barrier that has been installed at the car park entrance ramp following the 2011 flood and which is erected in advance of a potential flood event.
- 11.10.6. It is noted within the FRA that the existing entrance to the Red Car Park provides a flow path for flood waters exiting the Slang stream. However the Slang stream is not understood to experience flooding in the open channel section as a result of capacity constraints near the development site. This was confirmed during the 2011 flood event, as the flood water that entered the existing car park was from overland flows flowing down the Sandyford Road and not from flood waters over topping the open channel section of the Slang alongside Building 5. The FRA concludes therefore the development site is not at risk from fluvial flooding.
- 11.10.7. The FRA notes that flood management measures have been put in place by DTC Management since the October 2011 flood, at locations where flood risks were identified, including at the entrance to the car park on Sandyford Road. The measures provided at the carpark entrance ramp serve to intercept and return water to a location where the channel capacity is considerably greater than the constrained capacity beneath the Sandyford Road.
- 11.10.8. In addition Dundrum Town Centre Management Services now have an established protocol in place for monitoring the likelihood of flood risk events, based on level sensors at the trash screen on the inlet to the culvert beneath the Town Centre. This culvert runs past the north / north western boundary of the site. When levels in the Slang Stream are observed to rise above a set level, indicating the possibility of a critical flood event, this triggers a procedure for erecting the flood barriers that have since been installed at vulnerable locations along the perimeter of the Town Centre following the 2011 flood. This includes the flood barrier that was installed at the entrance to the existing red car park on the Sandyford Road at Building 5.
- 11.10.9. The topography of the Sandyford Road is such that the overland flood flows would make their way north west along the Sandyford road towards Dundrum cross-roads

and as a result would not pond in the area of the development site. The demountable barrier at the car park entrance, when erected, deflects the flood water back into the apertures that were made in the adjacent wall which leads back into the open channel. This in turn would limit the amount of water that would be able to pond in the road on the wet side of the barrier.

- 11.10.10. Notwithstanding the above, the FRA notes that the level of the existing podium slab, on which the residential part of the new development is proposed to be built, is 65.660m OD, which is approximately 2m above the adjacent Sandyford Road. The café element is at a level of 63.360m OD which is also above the level of the Sandyford Road (63.243m OD).
- 11.10.11. In terms of flood risk to adjoining sites, the Flood Risk Assessment notes that the proposed development incorporates SUDS features in the form of green roofs, on the ground floor (Podium) level and at the roof of the 7th floor of the development, and Stormtech Attenuation. These features will attenuate flood flows, control the rate of discharge from the site and reduce the risk of downstream flooding. The green roofs will significantly reduce the annual runoff from the site. Implementing SUDS will benefit the existing sewer network by providing surplus capacity to other areas as a result of the SUDS features controlling the flows and runoff generated during a flood event.
- 11.10.12. It is concluded then that the flood risk to the site from overland flooding is low and the proposed development will incorporate flood relief and escape routes to provide for any residual risk which may exist.
- 11.10.13. In relation to a Justification Test, the FRA notes that a Justification Test, which is normally required for a flood risk assessment, has already been carried out as part of the Strategic Flood Risk Assessment undertaken by Dun Laoghaire Rathdown County Council. The Justification Test confirmed the Major Town Centre (MTC) zoning for Dundrum which includes the site of the proposed development. As such it is concluded within the FRA that is no merit in carrying out another Justification Test for the proposed development. It is further contended that that the existing podium slab is at a level that could be classified as Flood Zone C given it is approximately 2m above the level of the Sandyford road below. Although the

proposed residential development is classified as Highly Vulnerable development as per Table 3, it is permissible in Flood Zone C.

11.10.14. I note that the Drainage report of the Planning Authority stated that the conclusions contained within the Site Specific Flood Risk Assessment (SSFRA) are acceptable and raise no objection in relation to flooding issues.

11.10.15. However, it is my view, that notwithstanding the conclusions of the applicants FRA, in relation to flood risk, and in relation to the reasons for not carrying out a Justification Test, I consider that, having regard to the site being identified as lying partially within Flood Zone A and B, having regard to the fact that the site has previously been subject to flooding, and having regard to the fact that residential is defined as a vulnerable uses (requiring a Justification Test within Flood Zones A and B), and a café use as a less vulnerable use (requiring a Justification Test within Flood Zone A), within the Flood Risk Management Guidelines, a Justification Test is required. This is set out below:

Development Management Justification Test	
<i>Criteria</i>	<i>Response</i>
The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.	The site is a strategic site within Dundrum Town Centre and is zoned for Town Centre Uses under the Dun Laoghaire Rathdown Development Plan 2016-2022. The zoning for Dundrum Major Town Centre has been subject to a Stage 3 Flood Risk Assessment (March 2016) and a Justification Test Carried out for same. (Appendix 13 of the Dun Laoghaire-Rathdown Development Plan 2016-2022.
The proposal has been subject to an appropriate flood risk assessment that demonstrates that;	
a. The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood	The application is accompanied by a Flood Risk Assessment that demonstrates that the proposed development will not increase flood risk to other properties downstream of the site.

<p>risk;</p>	<p>The implementation of SUDS will help to reduce flood risk to downstream areas by attenuating the flows that would have otherwise discharged directly into the storm network.</p>
<p>b. The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;</p>	<p>The FRA notes that the level of the existing podium slab, on which the residential part of the new development is proposed to be built, is 65.660m OD, which is approximately 2m above the adjacent Sandyford Road. The café element is at a level of 63.360m OD which is also above the level of the Sandyford Road (63.243m OD). It is concluded then that the development, and the residential component in particular, is not at risk from fluvial flooding.</p> <p>Measures in the form of a demountable flood barrier have been incorporated by DTC at the proposed development site since the 2011 flood. This barrier prevents any overland flows from entering the car park and also re-directs the water back into the culvert through the apertures in the adjacent wall. This is the only route that provides a path for overland flows into the basement carpark beneath the site and has been appropriately addressed by DTC Management following the 2011 flood.</p>
<p>c. The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk</p>	<p>The proposed development will incorporate flood relief and escape routes to provide for any residual risk which may exist, including access routes to higher ground which are outside any area of predicted flooding.</p>

management measures and provisions for emergency services access.	
d. The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.	The proposed development delivers the wider planning objective of delivering residential and commercial uses within a town centre, is acceptable in terms of urban design and delivers an attractive, vibrant and active streetscape.

11.10.16. Overall I am of the view that the proposal development demonstrates compliance with the criteria set out in the justification test in the Flood Risk Management Guidelines.

11.10.17. Having regard to the above, and having regard to other relevant information on file, I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions.

11.11. Site Services

Surface Water

11.11.1. The existing car park consists of existing below ground surface water sewers at Level -1. The surface water drainage network serving the basement levels of the car park, along with roof drainage from large areas of Dundrum Town Centre discharge to the Slang Stream alongside the Main Street Bypass. The existing podium level slab discharges to the adjacent open channel section of the Slang Stream.

11.11.2. A Green roof/bio-retention area is proposed for the open space area at the ground floor (podium) level. A Green roof is also proposed for the roof areas above the 8th and 9th floor levels with further attenuation to be provided on the ground floor level in the form raised planters. The area between the Ridgford road and the building on the west side of the podium will be paved with permeable paving. A Stormtech attenuation system will be located in this area also.

11.11.3. It is proposed to discharge attenuated surface water to the open channel section of the Slang Stream.

11.11.4. The proposed development will not result in the generation of any additional surface water runoff, given the existing site contains large areas of hard surfacing with run off making its way into the existing surface water system with no flow controls. The introduction of SUDs measures will enable the surface runoff generated by the development to be attenuated and the discharge rate controlled.

Foul

11.11.5. The proposed foul drainage within the proposed building will comprise of suspended surface water pipework underneath the existing podium level where it shall then connect to an existing 225mm dia. foul sewer located at the south-western side of the proposed development on Ridgeford Road. Flows will discharge to the 225mm public foul sewer on Sandyford Road before connecting into the public sewer on the westside of the Ballinteer Road.

11.11.6. The existing foul sewer system contains sufficient falls to achieve the required self-cleansing velocities and sufficient pipe capacity for the additional foul loadings from the proposed development.

11.11.7. A Confirmation of Feasibility Letter and Statement of Design Acceptance has been issued by Irish Water for the new water connections for this proposed development.

Water Supply

11.11.8. A total of 2 No. connections for the proposed building are proposed to the existing 200mm watermain located on Ridgeford Road along the south-eastern side the proposed development site. A Confirmation of Feasibility Letter and Statement of Design Acceptance has been issued by Irish Water for the new water connections for this proposed development.

11.12. Childcare

11.12.1. No Childcare Facility is proposed as part of this development. I note the concerns of the Planning Authority in relation to same. A Childcare Demand Analysis has been submitted with the application. This concludes that the proposed development of 107 units, which comprises 56 no. two bedroom units and no three + bedroom units does not generate sufficient demand for additional childcare units in the area, and any demand for childcare services can be adequately catered for within the local catchment area.

11.12.2. Having regard to the information in the childcare demand analysis submitted with the application and to the nature and scale of the proposed development, it is not considered that the provision of a childcare facility would be warranted under the advice given at sections 2.4 and 3.3.1 and Appendix 2 of the Guidelines on Childcare Facilities issued by the minister in 2001.

11.13. Other Issues

11.13.1. Trees – There are a number of trees on site and no tree survey which includes an assessment of same has been submitted. This has been raised as a concern by the Planning Authority. The submitted Landscape Design Report includes details of trees to be retained. However given the limited number of trees on site I consider that there is sufficient detail included within the application in relation to trees, and a condition in relation to landscaping will ensure that the proposed landscaping is implemented.

11.13.2. Crane Lighting – I note the submission from the Department of Defence in relation to the proximity of the site to Casement Aerodrome and the recommendation of a condition in relation to crane lighting. However I note that Casement Aerodrome is approximately 14km north-west of the site and in my view this condition is not necessary. However the Board may wish to impose this condition, should the Board be minded to grant permission.

12.0 Conclusion and Recommendation

The proposed residential and café uses are acceptable in principle at this site with regard to the relevant 'MTC zoning objective under the Dun Laoghaire Rathdown Development Plan 2016-2022. The provision of a higher density residential development at this location is desirable with regard to the town centre location and its proximity to high frequency transport services. In addition, the site is located in an area with a wide range of social infrastructure facilities. The height, bulk and massing, detailed design and layout of the scheme are acceptable. I am also satisfied that the development would not have any significant adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from a high standard of internal amenity and the proposal will contribute significantly to the public realm. I am satisfied the proposal will not impact the setting

of any nearby Protected Structures. The overall provision of car parking and cycle parking is considered acceptable, subject to conditions. I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere.

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

13.0 Recommended Order

Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire Rathdown County Council

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 23rd day of August 2019 by Dundrum Retail GP DAC (acting for and on behalf of Dundrum Retail Limited Partnership) care of BMA Planning, Taney Hall, Eglinton Terrace, Dundrum, Dublin 14, Dublin D14 C7F7.

Proposed Development:

The construction of a 7-9 storey apartment building with 107no. units (comprising 1no. studio apartment, 50no. 1 bed apartment units and 56no. 2 bed apartment units) and ancillary accommodation totalling 9792sqm gross floor area over an existing podium structure (2.2 to 2.5 metres above pavement level) completed as part of the overall Town Centre development (Reg. Ref: D00A/0112, as amended). The residential accommodation includes resident services, amenities and support facilities totalling 710.5 sqm consisting of lobby area, co-working space, multi-purpose / games room, management office and post room at ground floor level (270.9 sqm), gym at first floor (55 sq.m), cinema/media room at third floor level (55 sq.m), lounge at seventh floor level (114 sq.m) with visitor toilet block (25.3 sq.m),

facilities storage (25.3 sq.m) at sixth floor level and residential storage at second floor level (55 sq.m), fourth floor level (55 sq.m) and fifth floor level (55 sq.m). A double height café / restaurant unit (79 sq.m) is proposed at ground floor with access doors to the internal services road. Part of the existing podium structure is removed to provide street level access to the café / restaurant unit.

The development includes communal open space in the form of a landscaped podium courtyard (284 sq.m), landscaped roof garden at seventh floor level (207 sq.m) and upgrade of the public realm in addition to private balconies / terraces. A new ESB substation and switch room (19.2 sq.m) is also proposed at the northern boundary of the site adjacent to Sandyford Road.

Vehicular access to serve the proposed development will be provided via the existing basement entrance from Sandyford Road. A designated cycle entrance along the existing service road is also proposed. The proposed building is located above an existing basement car park (3 levels) and revisions are proposed to the basement car park as follows:

Level 1M: provision of bicycle facilities (including provision of dedicated bicycle ramp, 164no. cycle parking spaces and bicycle service area), bin store, 2no. storage rooms reconfigured lift / stair core and associated circulation lobbies resulting in an additional 433.1sqm and involving loss of 21no. car parking spaces:

Level 1: provision of a boiler room / plant, storage room and reconfigured lift / stair core and associated circulation lobbies resulting in an additional 255.9sqm and resulting in the loss of 8no. car parking spaces at this level. The reconfiguration of the existing car parking layout is proposed to provide 47no. car parking spaces at this level to be allocated to the proposed residential development:

Level -1: The provision of a water storage room, and storage room and revisions to existing stair / lift cores and circulation lobbies resulting in an additional 113.6sqm and involving loss of 5no. car parking spaces.

Permission is also sought for public lighting, hard and soft landscaping, boundary treatments, green roofs, photovoltaic panels and all associated site and development works.

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 site's location within an area with a zoning objective that permits residential development in principle;
- (b) the policies and objectives of the Dún Laoghaire-Rathdown County Development Plan 2016-2022;
- (c) The nature, scale and design of the proposed development and the availability in the area of a wide range of community, social, retail and transport infrastructure, including Dundrum Town Centre and the Green Luas line;
- (d) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (d) the pattern of existing development in the area;
- (e) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;

(f) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

(g) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;

(h) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

(i) the nature, scale and design of the proposed development;

(j) the submissions and observations received, and

(k) the report of the inspector

It is considered that, subject to compliance with the conditions set out below, 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 pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 area, the Appropriate Assessment Screening document 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 an urban 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.

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, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority:
 - (a) Signage throughout the development, including the shopfront to the café.
 - (b) Public lighting throughout the development.
 - (c) The operating hours of the proposed café unit shall be agreed in writing within the planning authority prior to first occupation of the unit.

Reason: In the interests of visual and residential amenity.

3. The proposed café area shall not be used for the sale of hot food for consumption off the premises (that is, as a takeaway) unless authorised by a further grant of planning permission.

Reason: In the interests of residential amenity.

4. Details and samples of the materials, colours and textures of all the external finishes and boundaries to the proposed development including external facades, signage, pavement finishes and bicycle stands shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:
 - (a) Three number car parking spaces shall be reserved for communal car sharing use (car club use) only and shall be clearly delineated and signed for such use;
 - (b) Five number car parking spaces shall be reserved for electric vehicles (i.e. as 'e-car' spaces) only and shall be clearly delineated and signed for such use;

- (c) All other car parking spaces, with the exception of visitor parking, shall be let/sold with the residential units and shall not be sold or let separately or independently;
- (d) The roads and traffic arrangements serving the site (including footpath connections and signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense;
- (e) The roads layout including junctions, parking areas, footpaths, cyclepaths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Urban Roads and Streets and with any requirements of the planning authority for such road works;
- (f) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works;
- (g) All of the communal parking areas, as well as the 5 no. 'e-car' spaces, serving the apartments shall be provided with electric vehicle charging points.

Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. The applicant shall provide an additional 44 no. visitor cycle parking spaces within the development, either at basement level and/or at surface level. Details of same shall be submitted to, and agreed in writing with, the Planning Authority, prior to commencement of development.

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

7. The landscaping scheme submitted shall be carried out within the first planting season following substantial completion of external construction works, details of which shall be submitted to the planning authority for written agreement prior to the commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

8. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

9. 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.

10. Proposals for the development name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning

authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

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

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

12. 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.

13. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The following specific requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development, unless otherwise stated:

- (a) Full details of proposed green roofs including a construction and maintenance plan;
- (b) Full details of the rainwater harvesting systems.
- (c) Stage 2 Detailed Design Stage Storm Water Audit;

(d) Upon completion of the development, a Stage 3 Completion Stage Storm Water Audit;

(e) Details of flow restricting devices, manhole locations, drainage arrangements at all entrances to each building and the attenuation tank.

(f) Details of an annual maintenance contract in respect of the efficient operation of the petrol/oil interceptor and silt traps.

Reason: In the interest of public health and water quality.

14. Prior the commencement of development, the applicant shall submit to the Planning Authority a drawing showing the predicted flood extents with the proposed escape routes, ensuring that escape routes are outside of and directed away from inundated areas. Notwithstanding, all mitigation measures as set out in Flood Risk Assessment submitted with this application shall be implemented in full.

Reason: To minimise flood risk and in the interest of proper planning and sustainable development of the area.

15. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(a) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

16. 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.

17. 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. The plan should include details of a programme of works that amongst other items provides for interception containment and treatment of construction runoff. No construction runoff should be diverted to the proposed SuDS measures such as the bioretention areas, permeable paving, green podiums or attenuation systems. Any surface water sewer pipes used to convey construction runoff should be thoroughly cleaned before subsequent connection to SuDS elements.

This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

18. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1300 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.

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the

development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

20. 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.

21. The applicant shall undertake to implement the measures outlined in the Mobility Management Plan and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the scheme shall be appointed to oversee and co-ordinate the preparation of the plan.

Reason: In the interest of encouraging the use of sustainable modes of transport.

22. 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.

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

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of

housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

24. 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

25. 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.

Rónán O'Connor
Planning Inspector

21st November 2019