



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-306225-19**

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#### **Strategic Housing Development**

468 no. residential units (16 no. houses, 452 no. apartments) and associated site works.

#### **Location**

Cornelscourt Village, Old Bray Road,  
Cornelscourt, Dublin 18.  
([www.cornelscourtplanning.ie](http://www.cornelscourtplanning.ie))

#### **Planning Authority**

Dun Laoghaire Rathdown County  
Council

#### **Applicant**

Cornel Living Limited.

#### **Prescribed Bodies**

1. Irish Water
2. Transport Infrastructure Ireland
3. Inland Fisheries Ireland

<b>Observer(s)</b>	See Appendix 1.
<b>Date of Site Inspection</b>	29 <sup>th</sup> March 2020.
<b>Inspector</b>	Karen Kenny

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## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The site, with a stated area of 2.14 hectares, is located to the north of Cornelscourt Village. The site is bound by the N11 / Stillorgan dual carriageway to the northeast, by a three-storey commercial building (AIB Bank) and associated car park to the northwest, a service station and a terrace of cottages (residential and commercial) to the south east fronting onto the Old Bray Road, and the rear gardens of two-storey houses fronting onto Willow Grove and the Old Bray Road to the southeast. The site has c. 70 m frontage onto the Old Bray Road between the AIB and Service Station and c. 150 m frontage along the N11. The external boundaries to the Old Bray Road and N11 are enclosed by palisade fencing.
- 2.2. The site is currently vacant and undeveloped, save for a hardstanding area that was a former temporary car park in the north of the site. The site shares an access road off the Old Bray Road with the carpark to the rear of the adjoining AIB bank. There is little vegetation on the site by way of trees and hedgerows. The topography of the site falls in a northwest to south east direction (50.9 to 54.6 m AOD). There is a stand of Japanese Knotweed adjoining the south eastern boundary of the site.
- 2.3. The surrounding area is generally suburban in character. Cornelscourt Village is a historic village centred on the Old Bray Road. There is a parade of shops / purpose-built neighbourhood centre to the north of the village opposite the subject site. Cornelscourt Shopping Centre is located c. 500 m to the south of the site. There is a QBC on the N11 at this location.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises 468 no. BTR residential units (452 no. apartments and 16 no. houses), café / restaurant and residential tenant amenity space spaces and facilities.

3.2. Key Parameters:

No. Units	468
GFA	37,025 sq.m
Site Area	2.14 ha
Density	228 units per ha
Commercial Uses	Café / Restaurant 140sq.m
Resident Facilities / Amenities	Amenity 458sq.m; Concierge 149 sq.m; Work / Office Space 149 sq.m
Building Height	1-12 storeys
Dual Aspect	55.3%
Car Parking	274 spaces
Bicycle Parking	616 spaces
Motorcycle Parking	12 spaces
Part V	47 no. units
Public Open Space	7,511 sq.m (35% of site area).

3.3. The unit mix can be described as follows:

Unit Type	Apartments	Houses	%
Studio	41	0	9
1-bed	257	6	56
2-bed	136	0	29
3 bed	18	10	6
<b>TOTAL</b>	<b>452</b>	<b>16</b>	<b>100</b>

3.4. The development comprises 8 no. apartment blocks and 8 no. housing blocks summarised as follows:

<b>Block No.</b>	<b>Mix</b>
A	8-12 storey block. 134 no. apartments (12 no. studio units, 93 no. 1 bed units and 29 no. 2 bed units).
B	12-9 storey block. 103 no. apartments (18 no. studio units, 65 no. 1 bed units; 14 no. 2 bed units and 6 no. 3 bed units).
C	6-7 storey block. 82 no. apartments (6 no. studio units, 60 no. 1 bed units and 16 no. 2 bed units).
D	5 storey block with top floor set back. 6 no. apartments (1 no. studio unit, 5 no. 1 bed units; and 30 no. 2 bed units).
E	4 storey block with top floor set back. 29 no. apartments (4 no. 1 bed units; and 25 no. 2 bed units).
F	2-4 storey block. 56 no. apartments (4 no. studio units, 24 no. 1 bed units; and 16 no. 2 bed units and 12 no. 3 bed units).
G	3 storey block. 6 no. apartments (4 no. 1 bed units; and 25 no. 2 bed units).
H	3 storey block. 6 no. apartments (3 no. 1 bed units and 3 no. 2 bed units).
Houses	10 no. 2-storey 3 bed semi-detached houses.
Houses	6 no. single storey 1 bed semi-detached bungalows.

3.6. 274 car parking spaces (273 at basement level and 1 at ground level), 616 bicycle parking spaces (512 at basement level and 104 at ground level) and 12 motorcycle spaces (12 at basement level) are proposed.

- 3.7. Basement areas of c. 9,024sq.m are proposed (Level -1) and include car parking, waste management areas and plant areas. 3 no. ESB substations and 3 no. Switch Rooms (c.77sq m combined) are proposed at ground level.
- 3.8. The development shall be served via the existing vehicular access point from the Old Bray Road. Upgrade works are proposed to facilitate the proposed development and to provide for improved access and egress for the overall development.
- 3.9. Provision is made for new pedestrian connections to Willow Grove; the N11; and Cornelscourt Village. Provision is also made for a new cyclist connection to the N11. A drop-off zone is also proposed at the entrance to the site.
- 3.10. The associated site and infrastructural works include provision for water services; foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works; boundary treatment; internal roads and footpaths; and electrical services.

## 4.0 Planning History

### **ABP Ref. ABP-301161-18**

The board confirmed a notice of entry of the register of vacant sites for this site on 29<sup>th</sup> September 2018.

### **DLR Ref. D17A/0597**

Permission granted for retention of temporary car park and associated building for retail and construction staff at Cornelscourt Shopping Centre (3-year permission).

## 5.0 Section 5 Pre Application Consultation

- 5.1. A Section 5 pre-application consultation took place at the office of An Bord Pleanála on 19th July 2019. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

- Development strategy including design, height, density, layout and housing mix.
- Residential amenity for occupants and neighbours. Including compliance with standards and access to daylight/sunlight.



- Access and parking.
- Drainage and water supply.
- Any other issues.

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

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

## 5.2. Notification of Opinion

5.2.1. The An Bord Pleanála opinion stated that it is of the opinion that the documents submitted require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The perspective applicant was advised that the following issues need to be addressed:

- Further consideration/amendment of the submitted documentation as it relates to the development strategy for the site and its consistency with national and local planning policy. The documentation should concisely set out the justification for the scale, design, housing mix and tenure of the proposed development by referring to its specific characteristics and those of the surrounding area, as well as to the provisions of guidelines issued by the minister under section 28 of the planning act and the county development plan, and to any other policies that may be material to the application.

The applicant was also advised to submit specific information with any application for permission summarised as follows: report demonstrating compliance with the Urban Development and Building Heights Guidelines; Housing Quality Assessment; proposals for the management and operation of the development (inc. BTR); detailed proposals for the provision and management of support facilities, services and amenities for residents; a proposed covenant or legal agreement for BTR units; a visual impact assessment including photomontages; details of proposed materials and finishes; Transportation Impact Assessment and Mobility Management Plan; Daylight and Sunlight Assessment; Site Specific Flood Risk Assessment Report; Draft Construction Management Plan; and Draft Waste Management Plan.

### 5.3. Applicant's Statement

5.3.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

- The development strategy seeks to give structure and form to spaces and vistas, modulate building form, use variety and distinctiveness in architecture to create a sense of place; provide appropriately scaled, well orientated external spaces and create a hierarchy of public, semi-public and private spaces. Primary design feature is to ensure appropriate transition in terms of height and massing from village towards N11. This has been carefully considered to present an appropriate scale to neighbouring dwellings. Variation in façade dept and stepping of building line for balconies and terraces further help to mitigate the massing and scale. Careful attention given to integration with surrounding development on south / east boundaries.
- Cameo & Partners Design Studio engaged after pre-application stage to prepare a landscape design strategy. Clear and distinct landscape zones created with passive and active spaces. A total of 7,511 sq.m of public open space proposed on site well in excess of the 10% (2,050sq.m) minimum. New connections have been added to N11 (north), Willow Grove (east) and towards Cornelscourt Village Centre (south west).
- Dual aspect ratio has been reviewed increasing dual aspect units from 44.1% to 55.2%. 51.9% of the apartments are dual aspect. There has been a reduction in the number of studio units and an increase in the number of 1 bed units.
- Supporting documentation in relation to landscape and visual impact, wind and microclimate, daylight and sunlight sets out that the scheme performs exceptionally well in all cases and so the height strategy proposed in this case is considered appropriate. Taller elements proposed along N11 – identified as the most appropriate location for additional height. More sensitive approach taken along southern and eastern boundaries to the site (Old Bray Road and Willow Grove). Blocks located centrally within the site range from 2-5 storeys.

Heights are considered appropriate and align with national policy objectives and guidance.

- In response to pre-application consultation the design team sought to improve some elements of the design, most notably, the elevation treatment along the N11.
- In relation to scale and design the height, scale and massing of each building has been carefully designed to correspond with the surrounding context.

Overall plot ratio of 1.82 and overall site coverage of 0.4.

- Blocks A, B and C is part of an emerging N11 corridor. The site straddles two conditions suburban and urban. The height ascends in multiples of 3 to establish a distinctive identity along the N11. This corridor provides an opportunity to increase density and height, whilst ensuring that there is no significant negative impact on the character of the village. Scale of Block D seeks to present an appropriate scale towards the neighbouring dwellings. 4<sup>th</sup> floor is set back to reduce visual massing of the block. Lower block allows for penetration of light into courtyard. Perimeter of the site engages more closely with surrounding context limiting height to single and two storey allows the entire site to taper towards a more traditional domestic scale. Houses and bungalows connect more successfully in terms of urban grain with the existing village. Scale and massing of Block E has been carefully considered to provide an appropriate and sympathetic interface between the proposed site and existing dwellings of Old Bray Road. The scale and massing of development along Old Bray Road has been carefully considered to provide an appropriate and sympathetic interface between the proposed site and existing dwellings. The scale of Block F responds to both the character of the development at Old Bray Road and aims to frame the entrance to the site.
- In relation to Housing Mix and Tenure the local demographic and demand has been researched and supports the provision of BTR development.
- Specific Items:
  - The 'Height Report' addresses compliance with the Urban Development and Building Height Guidelines.

- Housing Quality Assessment and Building Lifecycle Report submitted.
- In relation to the BTR nature of the scheme details of facilities provided.
- Draft Legal Covenant, submitted.
- Visual Impact assessment including photomontages submitted. The design statement addresses material finishes.
- Transport Impact Assessment, Mobility Management Plan, Sunlight, SFRA, Draft Construction Management Plan and Waste Management Plan submitted.

## 6.0 Relevant Planning Policy

### 6.1. National Policy

The government published the National Planning Framework in February 2018. Objective 3a is that 40% of new homes would be within the footprint of existing settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is to prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

The applicable section 28 guidelines include -

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

### 6.2. County Planning Policy

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

- Cornelscourt is identified as a ‘Secondary Centre’ in the Development Plan Core Strategy and sits at the second tier of the settlement hierarchy below the ‘Major Centre’ settlements of Dun Laoghaire and Dundrum.
- The site, for the most part, is zoned A with an objective “to protect and / or improve residential amenity”. The access road is zoned NC with an objective “to protect, provide for and / or improve mixed-use neighbourhood centre facilities”. The lands adjoining to the southeast at Willow Grove are zoned A, while lands to the south west and northwest are zoned NC. Residential is permitted in principle, while restaurant / café uses are open for consideration within the A zone (Table 8.3.2 refers).
- Chapter 2 Sustainable Communities Strategy, includes policies which seek to increase housing supply, ensure an appropriate mix, type and range of housing and promote the development of balanced sustainable communities. Relevant policies include RES3 promoting higher residential densities in line with national policy whilst ensuring a balance between density and the reasonable protection of residential amenities and established character. Section 2.1.3.3 states that densities of greater than 50 units per hectare will be encouraged within c. 1 km of public transport nodes. RES7 encourages the provision of a wide variety of housing and apartment types and RES8 seeks to provide social housing. RES14 seeks to ensure that community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential development. RES15 promotes an ‘urban village’ design approach in new development growth nodes. Section 2.2 sets out policies in relation to sustainable land use and travel. ST2 and ST11 relate to the integration of land use and transportation, ST19/20 relate to travel demand management and travel plans and ST27 relates to traffic and transport assessment and road safety audits.
- Chapter 4 ‘Green Infrastructure’ sets out policy in relation to open space and recreation including OSR5 in relation to public open space provision and OSR14 in relation to play facilities.

- Chapter 5 ‘Physical Infrastructure Strategy’ sets out policy in relation to (inter alia) water supply and wastewater, waste management, pollution, climate change, energy efficiency, renewable energy and flood risk.
- Chapter 7 ‘Community Strategy’ sets out policy for the delivery of community facilities in Section 7.1.3, including Policy SIC7: New Development Areas; and Policy SIC11: Childcare Facilities.
- Chapter 8 ‘Principles of Development’ contains the urban design policies and principles for development including public realm design, building heights strategy, car parking. Section 8.2 sets out Development Management Standards for (inter alia) Residential Development (8.2.3), Sustainable Travel and Transport (Section 8.2.4); Open Space and Recreation (Section 8.2.8), Environmental Management (8.2.9), Climate Change Adaption and Energy (8.2.10) and Community Support Facilities (Section 8.2.12).

6.2.2. There are no Specific Local Objectives (SLO’s) applying to the development site (Development Plan Map 6).

6.2.3. Development Plan Policy UD6 in Chapter 8 states that: “*It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the county.*” The Building Height Strategy is contained in Appendix 9.

## 7.0 Applicants Statement of Consistency

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

- The proposal meets criteria set out in the Sustainable Residential Development in Urban Areas Guidelines. Reference to building height, overlooking, overshadowing and daylight, traffic and transport, open space provision, permeability and accessibility and facilities, childcare thresholds and density. There should be no upper limit to density for this site subject to safeguards in relation to public and private open space; avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;

good internal space standards; conformity with any vision of the urban form of the town or city as expressed in the development plans, particularly in relation to height or massing; and compliance with plot ratio and site coverage standards.

- In terms of the accompanying Urban Design Manual, details of compliance with the 12 Criteria is set out.
- In relation to guidance on childcare provision in the Childcare Facilities Guidelines and Apartment Guidelines, the BTR nature of the development the unit mix and the local demographic profile provides for a low childcare demand as set out in the submitted Community Infrastructure Statement.
- In terms of the Sustainable Urban Housing: Design Standards for New Apartments the Scheme is a BTR scheme. Exemptions under SPPR 7 in respect of unit mix; storage, private and communal amenity space; car parking provision; stair and lift core ratio; dual aspect ratio. Notwithstanding this, unit size standards are met, private and public open space standards are met, dual aspect standards are met (55.2% dual aspect) and site is in a central location where 33% requirement applies. In relation to car parking BTR can have reduced provision and precedent for lower ratios in permitted schemes. Central and / or accessible urban location close to frequent bus services.
- The 'Urban Development and Building Heights Guidelines for Planning Authorities' (2018) are the predominant context for assessment of building height. Presumption in favour of buildings of increased height in town / city cores and in other urban locations with good public transport accessibility. Refer to the submitted Height Report prepared by HJL. A case is made under the Development Management Criteria set out in Chapter 3 of the Guidelines.
- In relation to the DLR County Development Plan the site is an infill site and supports the core strategy aim of consolidating development.
  - The site is zoned residential and neighbourhood centre (A and NC) and the proposed uses are acceptable.
  - The scheme responds to housing policies, including policies in relation to promoting higher densities and densification, providing a variety of housing types, provision of social housing and high-quality design.

- The scheme responds to urban design policies.
- In relation to the Building Height Strategy in the CDP, the NPF and Urban Development and Building Height Guidelines are considered to take precedence. A material contravention statement is submitted in respect of building height.
- In relation to social infrastructure and community the scheme provides for café / restaurant and office accommodation and is not considered to yield a demand for childcare and other facilities.
- In relation to sustainable travel the development facilitates walking and cycling and includes a mobility management plan. A Traffic and Transport Assessment is enclosed. The car parking standards allow for reduced provision based on proximity to public transport.
- Archaeological and cultural heritage is addressed in the EIAR.
- Open space standards are met.
- Landscape strategy contributes to the delivery of the green infrastructure strategy set out in the CDP.

## 8.0 Third Party Submissions

8.1. A total of 85 no. third party submissions have been received. The main points raised in the submissions relate to the following issues:

- Height, scale and density of development relative to surrounding areas.
- Building height materially contravenes the County Development Plan.
- Overdevelopment of the site.
- Negative visual impact.
- Poor mix of unit types and insufficient provision of family sized units.
- Built to rent nature of proposed development would result in transient tenants.
- Inadequate separation distances from existing properties.
- Overlooking, overshadowing and visual impact on adjoining properties.
- Inadequate daylight and sunlight and visual impact analysis undertaken.
- Noise and safety impacts arising from location of proposed sub-station.



- Impacts on amenity space, security and safety arising from potential future pedestrian and cycle connection to open space at Willow Grove, which has not been taken in charge.
- Negative impacts on the value of property in the area.
- Impacts on local roads, the N11 and surrounding junctions which are currently heavily trafficked.
- Impacts on traffic and pedestrian safety.
- Inadequate car parking provision and resultant car parking overspill onto surrounding areas.
- Inadequate capacity of vehicular access.
- Inadequate / oversubscribed public transport services.
- Inadequate foul and storm drainage infrastructure.
- Insufficient healthcare, creche, school and recreation facilities in the area.
- Number of residential developments already permitted in the area relying on existing infrastructure.
- Impacts on residential amenities during construction.
- Presence of Japanese knotweed on the site.
- One submission in support of the development.

## 9.0 Planning Authority Submission

9.1. DLRC has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members of the Dundrum Area Committee, as expressed at their meeting of the 27<sup>th</sup> January 2020. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows. The submission includes several technical reports from relevant departments of DLRC, which are incorporated into the following summary.

### 9.1.1. PA Comment on Principle of Development, Housing Mix and Density

- Development acceptable in principle. Density of 228 units per hectare comparable to central and accessible urban locations. More moderate density expected.
- Concern in relation to housing mix. 68% studio and one bed units.

#### 9.1.2. PA Comment on Urban Design and Building Height

- Layout of blocks and relationship to the N11 and AIB bank acceptable. Concern in relation to the residual nature of open space left over to the south of Blocks D and E and the proximity of apartment blocks to the proposed bungalows (discussed further under open space). Layout otherwise considered to be acceptable.
- Overall height and monolithic appearance of blocks of concern. Considered that the Building Height Strategy (CDP Appendix 9) allows for buildings of up to 6 storeys on the application site subject to their being no adverse impact on surrounding areas.
- Concern raised in relation to Blocks A, B, C, D and E as follows:
  - Blocks A, B and C exceed the maximum height.
  - Block E uncomfortably close to proposed bungalows that back onto the existing cottages on Old Bray Road.
  - Block D would be set into the slope of the site, that the top floor would be set back and that the block would be located more than 37.5 m from the nearest houses on Willow Grove (No. 14 and 15).
  - Block C would read as a seven-storey building from Willow Grove. This block is substantial in height and would appear visually overbearing when viewed from the houses at the northern end of Willow Grove. The Block would result in an abrupt transition between the existing and proposed 2-storey houses along the south eastern boundary of the site.
  - The urban design rationale for the height of blocks A and B states that the height increases in multiples of three storeys and contributes to the emerging identity of the N11. The blocks would result in significant and abrupt departure from the established building height.

- In terms of the Building Height Guidelines, justification based largely on N11 QBC, emergence of tall buildings along the N11, quality of materials and positive micro-climate assessments. There is an opportunity for increased height and greater enclosure along the N11, however, this could be achieved within the parameters of the height strategy. Blocks A, B and C would not, by reason of their monolithic appearance, make a positive contribution to the legibility of the area or integrate in a cohesive manner with the wider urban area, contrary to the criteria in the Urban Development and Building Height Guidelines.
- In relation to precedence referenced by the applicant other developments along the N11 are 5 or 6 storeys, with increases in height at corners, or gradual transition up to 8 storeys, or taller buildings located centrally within the sites.

#### 9.1.3. PA Comment on Public Open Space

- Sections 8.2.8.2 and 8.2.8.3 of the CDP sets out quantitative and qualitative standards for public / communal open space. The proposed development would require between 11,370sq.m and 15,160sq.m of public / communal open space. CDP allows for default minimum of 10% on site.
- The apartments require communal open space of 2,563 sq.m based on the minimum standards set out in Appendix 1 of the Apartment Guidelines.
- The minimum requirement based on the apartment guidelines standards for apartments and development plan standards for houses is 3,223sq.m. The level of provision falls below this minimum requirement and is seriously deficient in terms of serving the future residents of the development. Play provision for older children is deficient.

#### 9.1.4. PA Comment on Housing Quality

- The PA calculate that c. 27% of the units are dual aspect. A high proportion of single aspect units have a northerly aspect.
- The lift and stair cores typically serve thirteen apartment units, resulting in long corridors on each level.

#### 9.1.5. PA Comment on Micro-Climate

- More thorough examination required in relation to average daylight factor for courtyard units.
- Noise impact assessment does not consider the service station.
- No overshadowing impact on existing.
- Wind Assessment shows a number of internal areas are impacted.
- The provision for future connections to the N11 and Willow Grove welcomed. The open space within Willow Park has not been taken in charge and as such the connection would require third party consent. It is recommended that this connection is not a requirement of any grant of permission.

#### 9.1.6. PA Comment on Residential Facilities and Amenities

- The quality of the residential tenant amenity space is considered acceptable subject to further detail – e.g. on proposed caretaker space, management office and operational waste management and subdivision of floor area.

#### 9.1.7. PA Comment on Childcare, School & Other Facilities

- It is considered that the non-provision of on-site childcare facilities would be contrary to the childcare policy of the CDP. It is recommended that permission be refused in this regard.
- There appears to be a deficit of available school places within a reasonable catchment of the site.

#### 9.1.8. PA Comment on Access and Parking

- PA is of the view that 1 space per unit should be provided. PA recommend refusal on this basis.
- Concern in relation to stacked cycle parking at basement level and stepped access to basement parking.
- Findings the TTA noted.

#### 9.1.9. PA Comment on Operational Management

- No costings for services in the Building Life Cycle Report or Estate Common Area Strategy Report.

#### PA Comment on Impact on Residential Amenity

- Satisfied that development would not give rise to adverse overlooking impacts on adjoining properties.

#### 9.1.10. PA Comment on Landscape and Visual Impact

PA considers that the proposed development would have a negative impact on several viewpoints assessed by the applicant and most notably no. 4, 5, 6, 10,15, 20, 21, 25, 28, 29 and 30. The PA recommends that permission be refused in this regard.

#### 9.1.11. PA Recommendation

PA recommend that permission is refused. It is considered that the proposed development would be contrary to the building height strategy set out in Appendix 9 of the DLR CDP and would be seriously deficient with respect to: quantity and quality of public / communal open space; residential amenity for future occupants / number of dual aspect units; provision of adequate childcare facilities; car parking provision; impacts on residential amenity of adjoining properties and the visual amenity of the area. The PA indicate that the above matters cannot be overcome by way of planning conditions.

## 10.0 **Prescribed Bodies**

### 10.1. **Irish Water**

A connection can be facilitated to IW's water network via a 9" watermain. Clearance distances from a 24" strategic watermain traversing the boundary of the site will need to be adhered to. In relation to wastewater due to the size of the development it would be necessary to carryout further detailed studies to confirm available capacity and to determine the extent of any upgrades that may be required prior to facilitating the proposed connection. A detailed hydraulic modelling assessment is required which will be completed as part of IW West Pier Drainage Area Plan due for completion in Q4 of 2021 in order to confirm the downstream foul network capacity, upgrades required and consents. IW expects to be in a position to confirm the extent of any necessary upgrades, including any 3<sup>rd</sup> party consents and / or permissions

required in order to facilitate the development of the infrastructure upgrades to cater for this development at that time.

## 10.2. **Transport Infrastructure Ireland**

- Rely on the planning authority to abide by official policy in relation to development on / affecting national roads as per DECLG Spatial Planning and National Roads Guidelines for Planning Authorities, 2012.
- The proposed development shall be undertaken in accordance with the recommendations of the Transport Assessment. Any recommendations should be incorporated as Conditions of Permission if granted. Any additional works as a result of the development should be funded by the developer.

## 10.3. **Inland Fisheries Ireland**

- Best practice to be implemented in relation to activities that may impact on surface water (stream and river) or riparian habitats. Any discharges to surface streams present on or near the site must not impact negatively on the salmonid status of the system. Comprehensive surface water management measures (GSDSDS) must be implemented at the construction and operational stages to prevent pollution of local surface waters.
- Top soil material to be stored on site must have mitigation in place to prevent any deleterious material entering the surface water network. Drainage from topsoil storage may need to be directed to a settlement area for treatment.
- Essential that receiving foul and storm water infrastructure has adequate capacity to accept predicted volumes from this development with no negative repercussions for quality of treatment, final effluent quality and the quality of receiving waters. If permission is granted suggest a condition to require owner to enter into an annual maintenance contract in respect of the efficient operation of the petrol / oil interceptor and silt traps.
- On-site attenuation ponds may be required to allow for settlement of fine / particulate materials out of potentially discharging surface waters from works areas. Good housekeeping measures are integral to achieving prevention of excessive turbid run off surface water systems.

- All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

## 11.0 Planning Assessment

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

- Principle and Quantum of Development
- Height, Scale and Mass - Visual Impact
- Residential Amenity and Quality of Development
- Childcare Facilities and School Demand
- Impacts on Residential Amenities
- Traffic and Transport
- Water Services
- Other Matters

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

## 11.2. Principle and Quantum of Development

### 11.2.1. Principle and Quantum of Development

#### Principle

The site is subject to two zoning objectives in the Dun Laoghaire Rathdown County Development Plan 2016 – 2022. The site is zoned “A” with an objective “to protect and / or improve residential amenity’ for the most part. A small area at the northern section of the site is zoned “NC” with an objective “to protect, provide for and / or improve mixed use neighbourhood centre facilities”. Only the access road traverses this area. Within the “A” zoned lands residential uses are acceptable in principle and café / restaurant uses are open for consideration. I am satisfied that the proposed

development is consistent with the zoning objectives and that no issues of principle arise.

### Density

The proposed development has a stated density of 228 units per hectare (net). The applicant has put forward a case for the density based on the sites accessibility and argues that the area can accommodate the scale and quantum of development proposed. The PA welcome the proposed development but caution that the site is at an intermediate urban location and that a more modest density would be expected.

The site is a suburban site located c. 12 km south of Dublin City and over 1.5 km from the major urban centres of Dundrum and Dun Laoghaire. Cornelscourt is designated as a 'secondary centre' in the county's settlement hierarchy and as a Level 3 Retail Centre. The site is served by urban bus services but is not within a LUAS or rail corridor. The closest bus stop on the N11 is served by Dublin Bus and Bus Eireann services including the 145 service (Kilmacanoge to Heuston Station) with a 10-minute frequency and a journey time of c. 40-50 minutes to the city centre. Other destinations served include UCD and Bray. The high frequency 46A route (6-7 min service) serves a stop c. 750 metres north west of the site opposite Foxrock Church. Other local bus services (155 / 84/ 63 / 75 routes) can be accessed from bus stops on the N11, R827 and Old Bray Road and have lower frequencies. Connections to Dublin Airport are facilitated by Bus Eireann route 133 and Aircoach Route 702. Bus Connects proposes an E1 service along the N11 at this location with a frequency of every 10-15 minutes. There are cycle facilities along the N11 corridor and there are a range of services and facilities in the local area. The Green Line Luas (Carrickmines Stop) is c. 1.8 km from the site.

The Sustainable Residential Development in Urban Areas Guidelines 2009 (Chapter 5) recommend minimum net densities of 50 dwellings per hectare within public transport corridors (inc. sites within 500m of a bus stop) with no stated upper limit. The guidelines state that the capacity of public transport should be taken into account when considering density. The Urban Development and Building Height Guidelines (2018) promote higher densities but caution that where higher densities are proposed due regard must be given to the locational context, availability of public transport services and other associated infrastructure. The Apartment Guidelines (March 2018)



set out guidance on the types of locations that may be suitable for apartment developments. Central and / or accessible urban locations<sup>1</sup> are considered suitable for higher density apartment developments, while intermediate locations<sup>2</sup> are considered suitable for small-scale high-density apartment developments or large-scale medium-density developments with some apartments. I consider the site to be in an intermediate urban location, as defined by the apartment guidelines, and suitable for apartment development. The density proposed in this instance is more typically of what would be expected in a city or major town centre or in close proximity to a high capacity urban public transport stop such as a DART or Luas stop. However, as the scale of the development is relatively modest in the context of the wider urban area, I consider that refusal would not be warranted on the basis of density alone, subject to other design and servicing criteria being met. These issues are considered in the following sections of the assessment.

### 11.3. Height, Scale and Mass - Visual Impact

#### 11.3.1. Context

The site is a medium sized infill site in Cornelscourt Village adjacent to the N11 transport corridor. It is bound by the N11 dual carriageway to the northeast, a three-storey commercial building (AIB Bank) and car park to the northwest, a service station and a terrace of cottages to the southwest, and the rear gardens of two-storey houses in Willow Grove and on the Old Bray Road to the southeast. Cornelscourt Village is a historic village centred on the Old Bray Road. There is a parade of shops and a purpose-built neighbourhood centre to the north of the village opposite the subject site and Cornelscourt Shopping Centre is c. 500 m to the south east of the site. Otherwise, the area is characterised by low density suburban housing.

#### 11.3.2. Building Height and Block Layout

The proposed development comprises 8 no. apartment blocks and two rows of houses. The blocks range from 1-12 storeys and can be summarised as follows:

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<sup>1</sup> Locations within 1000-1500 metres of principal city centres or significant employment location; within 800-1000 metres of high capacity urban public transport stops (such as DART or Luas) and within 400-500 metres of high frequency urban bus services (min 10-minute peak hour frequency).

<sup>2</sup> Locations within 800-1000 metres of a principle town or suburban centre or employment location; within 1,000-1,500 metres of high capacity urban public transport stops (such as DART or Luas); or up to 1,000 metres from high frequency urban bus services (min 10-minute peak hour frequency).

<b>Block No.</b>	<b>Height (storeys)</b>	<b>Description</b>
A	8-12	Blocks A, B and C are rectangular slab blocks that run north to south within the northern section of the site. These blocks are parallel and shoulder onto the N11. The blocks step down in three storey intervals from A to C. They are set c. 19.7 metres apart and maintain a setback of c. 8.2 metres from the northern boundary with the N11.
B	2-9	
C	6-7	
D	5	Blocks D, E and F are curvilinear blocks that run through the central section of the site. The top floor of Blocks D and E are set back. Block D maintains a separation of over 27 metres from the boundary with properties in Willow Grove; Block E maintains a separation of over 17 metres from the boundary of cottages on the Old Bray Road; and Block F maintains a separation of over 3 metres from the boundary with the service station on the Old Bray Road.
E	4	
F	2-4	
G	3	Block G is attached to and internally accessed through Block A. It sits between Block A and B, forms the northern edge of a courtyard and provides an edge to the N11.
H	3	Block H is attached to and internally accessed through Block C. It sits between Block C and B, forms the northern edge of an internal courtyard and provides an edge to the N11.
Houses	2	There is a terrace of 10 no. 2 storey semi-detached houses along the south east site boundary backing onto the shared boundary with houses in Willow Grove. The houses are c. 6.8 m from the shared boundary at the closest point.
Houses	1	There is a terrace of 6 no. single storey houses along the south west boundary backing onto the shared boundary with the cottages along Old Bray Road. The houses are between c. 1 and 2 metres from the shared boundary with private open space provision to the side.

### 11.3.3. Policy Context

Policy UD6 of the development plan states that “it is council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County” (Appendix 9). The site is identified as a ‘residual’ area in the building height strategy. Building heights of 2-storeys generally apply and developments of 3-4 storeys can be considered on suitable sites such as corner sites, large redevelopment sites or on sites adjacent to key public transport nodes. A case may be made, in exceptional circumstances, for an additional one or two storeys subject to meeting upward and downward modifiers set out in the strategy (Section 4.8 refers). The site meets the upward modifiers and on this basis building heights of up to 6 storeys are permissible. Proposed Block A (8-12 storeys) and Block B (2-9 storeys) exceed the 6-storey building height. The application includes a Material Contravention Statement in respect of building height, and this is referenced in the public notices. The Board can, therefore, consider invoking Section 37 (2) (b) of the Planning and Development Act in this instance where it is minded to grant permission. The Material Contravention Statement refers to the guidance set out in the Urban Development and Building Height Guidelines noting the overall objective to support increased building height and density in locations with good public transport accessibility. It is noted that SPPR 3 provides that permission may be granted where the development management criteria in the guidelines are met, even where specific objectives of the relevant development plan or local area plan indicate otherwise. A case is made for extra height based on the site’s proximity to high capacity public transport, established precedent for higher buildings along the N11 and the successful integration into the existing context.

### 11.3.4. Visual Impact Assessment

The submitted documents include photomontages and a Landscape and Visual Impact Assessment (EIAR Ch 12). A total of 33 no. viewpoints are assessed. I have inspected the site and viewed it from a variety of locations in the surrounding area. The proposed development would be visible on some medium to long range views from more elevated lands to the south and west and intermittently on views from the east. I consider that the proposed development, when viewed at a distance, would

read as part of the wider urban landscape, and would not be unduly obtrusive or detract from the character of the wider area. The greatest potential for impact arises at the local level. The design strategy seeks to place higher blocks along the N11 corridor and to reduce scale closer to more sensitive boundaries. Notwithstanding this, there is a substantial transition in scale and limited separation between the existing and proposed developments. The significant height, scale and massing of blocks A, B and C (inc. H and G) is evident in the photomontage images. Blocks D, E F, and the housing blocks are more modest in scale but would benefit from greater separation from the existing cottages on Old Bray Road and from the houses in Willow Grove. Photomontage images no. 4, 5, 6 show views along the N11 close to the site and images no. 15, 21 and 25 show views from the closest residential areas. I consider that the views show a development that is over scaled by reference to its surrounding context and I am of the view that the N11 corridor cannot readily absorb the scale of Blocks A and B. The PA have highlighted the fact that the use of slab blocks along the N11 is at odds with the approach that has been used successfully at other locations where increase in height is more graduated and cumulates in a corner tower at a key junction or location. While the architectural language of the scheme is to a high standard, the substantial front and side elevations of Blocks A and B are monolithic in appearance and would not integrate with the wider urban context and along the N11. It is considered that the proposed design strategy as it relates to scale, mass and height of the proposed structures, does not provide an appropriate design solution having regard to the site's locational context and to the established character and pattern of development in the immediate area.

The overall approach in terms of urban structure, architectural language and material finish is to a high standard. There is a clear relationship between the blocks and the scale of the blocks, and the layout includes focal points, a hierarchy of open spaces and good permeability. However, while this provides the basis for a successful scheme the development is over scaled relative to the size of the site. This becomes apparent when the development is considered against key development standards, as discussed in more detail in Section 11.4 below.

#### 11.3.5. Design, Layout and Visual Impact Conclusion

Having regard to the above assessment, it is considered that the development is unsatisfactory in terms of visual impacts and that permission should be refused on this basis.

#### 11.4. **Residential Amenity and Quality of Development**

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

#### 11.4.2. Housing Mix

The development provides the following housing mix:

<b>Unit Type</b>	<b>Apartments</b>	<b>Houses</b>	<b>%</b>
Studio	41	0	9
1-bed	257	6	56
2-bed	136	0	29
3 bed	18	10	6
<b>TOTAL</b>	<b>452</b>	<b>16</b>	<b>100</b>

The proportion of smaller studio and one bed units is high at 65% of the overall scheme. However, the mix is considered satisfactory in the context of SPPR 8 of the 2018 apartment guidelines which indicates that for BTR developments there is no restrictions on dwelling mix.

#### 11.4.3. Apartment Design and Layout

The schedule of floor areas set out in the Housing Quality Assessment indicates that floor areas for all apartment units meet or exceed the minimum specified in SPPR3 of the apartment guidelines.

Section 3.7 of the guidelines stipulate that no more than 10% of the total number of two bed units in any private residential development may comprise two-bedroom, three person apartments. This requirement is met.

Section 3.8 of the guidelines 'Safeguarding Higher Standards' requires that the majority of all apartments in any scheme > 10 units shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bed unit types by a minimum of 10% (any studio apartments must be included in the total but are not calculable as units that exceed the minimum by at least 10%). This requirement is met.

SPPR 4 requires a minimum of 33% dual aspect units for developments in more central and accessible urban locations and a minimum of 50% dual aspect units for developments in suburban or intermediate locations. The site is in a suburban location where a minimum standard of 50% dual aspect applies. The applicant states that a total of 51.9% of the apartments are dual aspect. I do not concur with this figure as it includes single aspect units with corner windows that side onto internal balconies (e.g. Type OC, 1D, 1G, 2D). Based on the submitted floor plans I calculate that up to 33% of the units at best (c. 150 no. units) could be considered to have a dual aspect. Furthermore, I would also note that many of the single aspect units are of a northerly aspect. I consider that the proposed development is substantially below the standard set out in the Apartment Guidelines and would fail to provide an acceptable standard of amenity for its future occupants on this basis.

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

SPPR 6 specifies a maximum of 12 apartments per floor per core. This requirement is not complied. SPPR8 of the apartment guidelines provides a relaxation on this standard for BTR schemes.

Appendix 1 of the Guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. All apartments comply with the space standards, with the exception of storage requirements, where bedroom and kitchen cupboards and basement storage has been included within the calculation. The units generally meet the minimum aggregate floor area and width standards.

Private open space is provided in the form of terraces and balconies. Minimum space and depth standards are generally met.

#### 11.4.4. Housing

The proposed 10 no. 3 bed two storey houses meet the internal space standards and open space standards set out in the development plan. The 6 no. 1-bed bungalows meet the internal space standards. Private open space provision of c. 30 sq.m is below the development plan standard of 45 sq.m for 1-bed houses. However, I concur with the PA's view that this would be acceptable in this instance as the scheme forms part of a wider apartment complex with communal open space.

#### 11.4.5. Microclimate – Daylight & Sunlight, Wind and Overlooking

The assessment indicates that most of the communal open spaces would receive more than 2 hours of sunlight on 21<sup>st</sup> March. I would note that the central amenity space would be in shade for most of the day.

The submitted daylight and sunlight assessment indicates that 95% of rooms tested would achieve the required Average Daylight Factor. While I accept this figure, I would have concerns in relation to the sample of apartments tested. Daylight access to units in Blocks A, B and C that face into the internal courtyards (worst case scenario) have not been assessed. The sunlight to these areas is a matter of concern given the height of blocks A, B and C and the level of separation between the blocks.

Chapter 9 of the EIAR considers the potential for inward noise impacts from the N11. Facades in the northern section of the site are vulnerable to daytime noise levels of over 55db and night-time noise levels greater than 50db. The applicant proposes mitigation measures to offset noise impacts. The PA note the potential for noise impacts from the adjacent service station. I am satisfied that the inward noise impacts can be adequately mitigated through design and that this issue can be addressed by condition in the event that the Board is minded to grant permission.

In relation to overlooking, apartment and housing blocks within the scheme are laid out such that the minimum clearance distance of c. 22 metres between opposing windows is not met in a number of areas. I specifically refer to the proximity of side windows in Blocks B to windows in Blocks H and G (c. 7.8 metres) and the

separation between Block D and the 2 storey dwellings (c. 14 metres) and Block E and the single storey dwellings.

There are clear deficiencies in relation to the micro-climate within the scheme. Having regard to the substantive reasons for refusal I do not propose to include a reason for refusal on the basis of substandard microclimate, however, I consider that the matters set out above would need to be addressed in any revised scheme.

#### 11.4.6. Communal Facilities and Services

SPPR 7 (b) of the Apartment Guidelines requires the provision of Resident Support Facilities and Resident Services and Amenities in BTR schemes. There is no stated minimum rate of provision. The application refers to 458 sq.m of tenant amenity space, 149 sq.m of concierge space and 149 sq.m of office space. The concierge space and office space are located to the front of Block F. The gym, lobby and amenity space are located centrally within the site adjacent to the main amenity area. The overall floorspace is low having regard to the overall scale of development proposed, but the spaces are well located and designed to a high standard.

#### Open Space Provision

The submitted documents refer to a total of 7,511sq.m of communal open space. P16 of the Landscape Strategy indicates that this figure refers to the overall site, excluding areas covered by buildings or private curtilage, the access road / ramp and a central pathway. The figure is overstated in my view. P17 of the Landscape Strategy and Figure 3.1.3 of the Housing Quality Assessment (p15) show a more refined schedule of open space provision. A total of 2,357 sq.m of open space is provided broken into 1,260 sq.m of recreation space, 604 sq.m of play space and 493sq.m of activity areas.

The development plan sets out a combined communal and public open space standard (Section 8.2.8.2) of between 15 sq.m and 20 sq.m per person equating to a requirement for 11,370sq.m and 15,160sq.m in this instance. An absolute minimum of 10% of the site area is to be provided as open space (2,050 sq.m) and a financial contribution can be considered in respect of the remainder.

The Apartment Guidelines (Appendix I) set the following requirements:

Unit	No. Units	Space per Apt (sq.m.)	Total Requirement (sq.m.)



Studio Apt	41	4	164
1 bed Apt	257	5	1285
2 bed Apt	3	6 (3 person)	18
2 bed Apt	133	7 (4 person)	931
3 bed Apt	18	9	162
<b>Total</b>	<b>452</b>		<b>2,560 sq.m.</b>
1 bed house	6	5	30
3 bed house	10	9	90
Total	16		120sq.m
<b>Overall Total</b>	<b>468</b>		<b>2,680</b>

I consider it reasonable that the more modest standards in the Apartment Guidelines are applied to all units given the integrated nature of housing within the scheme. On this basis, a total of 2,680sq.m of communal open space is required. The level of provision detailed in the Landscape Strategy at 2,357sq.m falls below this standard. SPPR 8 (ii) of the apartment guidelines allows flexibility in respect of communal amenity space where alternative, compensatory communal support facilities and amenities are provided. The obligation is on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity. No such case has been made in this instance and I would also note that the overall quantum of communal support facilities and amenities is marginal. I consider that the level of communal open space provision is substandard by reference to the minimum standards set out in Appendix 1 of the Apartment Guidelines and would fail to provide an adequate level of residential amenity for future occupants of the scheme.

#### 11.4.7. Residential Amenity and Quality of Development Conclusions

To conclude, I consider that the standard of residential accommodation is substandard by reference to local and national planning policy relating to the aspect of units, privacy standard and communal open space provision and that the proposed development would not provide a satisfactory standard of accommodation for future residents.

## **11.5. Childcare Facilities, School Demand & Community Facilities**

- 11.5.1. The 'Childcare Facilities Guidelines for Planning Authorities' 2001 recommend a minimum provision of 20 childcare places per 75 no. dwellings. The Apartment Guidelines provide an update for apartment developments. The guidelines state that the threshold for provision in apartment developments should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. 1 bed or studio units should generally not be considered to contribute to a requirement for childcare provision and, subject to location, this may also apply in part or whole to units with 2 or more bedrooms.
- 11.5.2. The proposed development does not include any childcare provision. The submitted community infrastructure strategy states that the scheme would generate a requirement for 16 no. spaces and that there is capacity in the area to cater for this demand. The PA have raised concerns in relation to the methodology used in the assessment and assumptions in respect of the level of provision in the local area. I calculate a childcare requirement of 44 no. childcare spaces for the 2 and 3 bed units based on the standards set out in the childcare facilities guidelines. A development of the scale proposed (stated population of 1,334 persons) would create its own demand for childcare provision and this should be met within the site in my view. I consider that the proposed development is deficient in the provision of childcare places and is not in accordance with the guidelines for such facilities.
- 11.5.3. In relation to school demand and social facilities there is a wide range of provision in the general area. I am satisfied that the cumulative demand arising from the subject proposal and other developments in the area would be accommodated.

## **11.6. Impacts on Residential Amenities**

Potential for impacts on residential amenities arises in relation to the existing housing to the south east and south west of the site and the dwelling to the north on the opposite side of the N11. Visual impacts are considered separately in Section 11.3 above.

In relation to overlooking the upper floor windows facing existing properties maintain an adequate level of separation from existing dwellings. The apartment blocks

maintain a separation of 17 metres from the shared boundaries with the cottages on the Old Bray Road at the closest point and of 27 metres from the shared boundaries of houses in Willow Grove at the closest point. Two storey houses along the south eastern boundary do not have first floor windows in the rear elevation, while the 1-bed units are single storey. I consider that the development would not result in undue overlooking of existing properties.

Chapter 17 of the EIAR describes the impact of the proposed development on existing properties by way of reduced daylight and overshadowing. The potential impacts on the two storey houses in Willow Grove, the cottages on Old Bray Road and No. 46, 48, 50, 52, 74 and 76 South Park on the northern side of the N11 are assessed. The assessment concludes that the impact on the properties assessed would be negligible based on the guidance contained in the BRE guidance document Site Layout Planning for Sunlight and Daylight.

11.6.1. I accept the findings of the analysis and am satisfied that the proposed development would not give rise to adverse impacts on adjoining properties by way of reduced daylight or overshadowing.

## **11.7. Traffic and Transport**

11.7.1. Roads, Traffic and Transportation are addressed in Chapter 13 of the EIAR and in the submitted Traffic and Transportation Report.

11.7.2. The site would be accessed from the Old Bray Road (R842), a two-way single carriage road, runs to the south west of the site. It is proposed to use an existing shared access with the adjoining AIB to provide access to the basement car park. The access road would be upgraded to provide for improved pedestrian movement along the Old Bray Road. The proposed development also provides for direct pedestrian and cycle links to the N11. A connection is proposed to the adjoining Willow Grove development. The PA has indicated that the adjoining open space is not taken in charge and that third party consent would be required to facilitate this connection. The N11 is accessed via a signalised junction that is c. 180 m north west of the site.

11.7.3. Traffic and Transport Assessment

The TTA includes an assessment of impact on local road junctions (inc. the junction with the N11 to the north west of the site). The analysis indicates that the development would not cause excessive delays or queueing and would not give rise to junction capacity issues with all junctions assessed operating within capacity for the future year of 2036. I consider that the development will have a limited impact on the established traffic conditions at this suburban location, given the level of car parking proposed and give its proximity to public transport services. In addition, the development would improve the pedestrian facilities along the Old Bray Road and provides a direct connection to a strategic cycle route and bus stops on the N11.

#### 11.7.4. Car Parking

A total of 273 no. car parking spaces are proposed (inc. 28 no. spaces with electric vehicle charging points, 13 no. spaces for mobility impaired and 11 no. car club spaces). This equates to a rate of 0.55 spaces per unit. The development plan requirement for the scheme is 564 no. spaces. The Apartment Guidelines 2018 allow for a reduction in car parking at suburban locations served by public transport or close to town centres or employment areas. The guidelines also allow for reduced provision in the case of BTR schemes as it is considered that the overall management regime would allow for more efficient management of car parking spaces. The PA argue that the level of provision is significantly below what the PA would normally consider and that 1 space per unit would be acceptable in the interest of preventing car parking overspill into the surrounding area. The applicants highlight the level of public transport in the area and set out examples of other schemes where reduced car parking provision has been accepted by the Board. I consider that the rate of provision is at the lower end of what might be expected. However, given the BTR nature of the scheme and the sites accessibility to bus stops and cycle routes I do not think a refusal would be warranted on the basis of this issue.

#### 11.7.5. Cycle Parking

A total of 512 no. cycle parking spaces are proposed, in stacked bicycle stores at basement level. A further 104 no. short stay spaces are proposed around the site. The level of provision is in accordance with the standards set out in the development plan. The PA raise concerns in relation to the stacked bicycle stores and the means

of access to basement spaces (via stepped access). I consider the overall level of provision to be acceptable and consider that the design of the spaces at basement level could be addressed by condition in the event of a grant of permission.

#### 11.7.6. Construction Traffic

I consider that the volume of traffic generated during construction will be lower than that generated by the completed development. Details in relation to traffic management during the construction phase are set out in the submitted preliminary traffic management plan. In the event of a grant of permission, I recommend that a final traffic management plan is submitted to and agreed with the PA prior to the commencement of works.

#### 11.7.7. Traffic and Transportation Impacts Conclusion

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

### 11.8. **Water Services**

#### 11.8.1. Wastewater

In relation to wastewater the submission of Irish Water dated 2<sup>nd</sup> March 2020 states that, having regard to the scale of the proposed development, it is necessary to carry out further detailed studies to confirm the available capacity of the wastewater network and the full extent of any upgrades that may be required to facilitate the proposed connection. The submission states that a detailed hydraulic modelling assessment is required which will be completed as part of the West Pier Drainage Area Plan due for completion in Q4 of 2021 in order to confirm the downstream foul network capacity and upgrades and consents required. On the basis of the foregoing, I consider that it would be premature to grant permission for the proposed development until such time as there is greater clarity in relation to the capacity of wastewater infrastructure and Irish Water is in a position to facilitate a connection to the wastewater network. In the absence of this clarity, I recommend that permission be refused on the basis of prematurity and public health grounds.

#### 11.8.2. Water Supply

Irish Water have indicated that a connection can be facilitated to water supply network via an existing 9" watermain. The submission also requests that a clearance distances from a 24" strategic watermain traversing the boundary of the site is adhered to. This issue could be addressed by condition in the event of a grant of permission.

#### 11.8.3. Surface Water Drainage

The site is currently served a surface water sewer. Surface water within the site will be collected in an attenuation tank and reduced to a greenfield equivalent rate before discharging to the public surface water sewer network. SUDS measures are proposed to reduce the rate of run off including green roofs, rainwater harvesting and landscaping features.

### 11.9. **Other Matters**

#### 11.9.1. Flood Risk Assessment

The site is located within Flood Zone C and the submitted SFRA indicates that no issues arise in respect of flooding.

#### 11.9.2. Part V

The applicant has submitted Part V proposals, that would involve the long-term lease (25 year) of 47 units or 10% of the proposed units to the planning authority. The PA indicate that the proposal is capable of complying with the requirements of Part V subject to agreement in relation to land values and market rents and funding being available.

#### 11.9.3. Invasive Species

Site investigation has identified invasive alien plant species within the site (Japanese Knotweed, Spanish Bluebell and Three-Cornered Garlic). A construction stage Invasive Alien Plant Species management plan prepared by a consultancy with expertise in this area. The plan set out details of proposed remediation measures to be undertaken. I am satisfied that this matter can be addressed by way of condition.

## 12.0 Environmental Impact Assessment

### 12.1. Introduction

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

12.1.1. The development involves a total of 468 BTR residential units, a café / restaurant unit and other associated developments (inc. office space and residential tenant amenity space) on a site of 2.14 hectares. The site is located in an urban area that is not a business district.

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

- (i) construction of more than 500 dwelling units
- (iv) an area of 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

The proposed development falls below the thresholds for mandatory EIA. An EIAR has been prepared and submitted with the application. The EIAR states that an EIAR has been prepared, having regard to the specific characteristics and features of the site, its size and the quantum of development proposed.

12.1.3. The EIAR is laid out in three documents as follows: Volume 1 Chapters 1-7; Volume 2 Chapters 8-21; and Non-Technical Summary. Chapter 1 is an introduction which sets out the relevant legislation and the format and structure of the EIAR as well as outlining the experts involved in preparing the document. Chapter 2 provides a description of the site location and context. Chapter 3 provides a description of the proposed development. Chapter 4 provides detail with regard to the consideration of alternatives. Chapter 18 considers the effects deriving from the vulnerability of the

project to risks of major accidents and / or disasters in accordance with the requirements under Article 3(2). No significant risks are identified. Chapter 19 considers interactions and Chapter 20 provides a summary of mitigation measures.

The likely significant direct and indirect effects on the environment, as set out in Article 3 of the Directive, are considered in Chapters 5-17 under the following headings:

- Population and Human Health
- Biodiversity
- Land and Soils
- Water
- Noise and Vibration
- Air Quality and Climate
- Wind and Microclimate
- Landscape and Visual Impact Assessment
- Material Assets – Traffic and Transport
- Material Assets – Utilities
- Material Assets – Waste Management
- Archaeology, Architectural and Cultural Heritage
- Daylight and Sunlight

12.1.4. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, prescribed bodies and the observers has been set out at Sections 8, 9 & 10 of this report. The issues raised are addressed below under the relevant headings, as appropriate, and in the reasoned conclusion and recommendation including conditions.

12.1.5. I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and



Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

- 12.1.6. A number of the environmental issues relevant to this EIA have already been addressed in the Planning Assessment at Section 11.0 of this report. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

## 12.2. Consideration of Alternatives

- 12.2.1. The submitted EIAR outlines the alternatives examined at Chapter 4 (pursuant to Article 5(1)(d) of the 2014 EIAR Directive and Annex IV). The main alternatives studied comprise alternative design solutions and layouts for residential development. Given the site's zoning objective alternative locations were not considered. In relation to alternative designs, a number of iterations of the proposed development are outlined. Alternative processes are not relevant to the proposal. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives is comprehensive and is in accordance with the requirements of the 2014 EIA Directive.

## 12.3. Assessment of Effects

### 12.3.1. Population and Human Health

Chapter 5 of the EIAR addresses population and human health. The potential effects are considered in the context of socio-economic, health and safety and impacts arising from other environmental factors. The EIAR provides information on population and employment in the area and also examines social infrastructure in the area. During the construction and operational phases positive socio-economic impacts are expected as a result of employment and other economic activity generated by the development. Potential health and safety impacts are identified due to the nature of construction activities. Potential for impact on social services during the occupation phase is identified due to increased demand. However, any such impacts are not considered to be significant in environmental terms. Impacts arising under other environmental factors (e.g. noise and vibration, air and climate, microclimate, landscape and visual impacts and material assets) are considered under the relevant

heading of the EIA. I am satisfied that any negative impacts on population and human health during the construction phase would be short-term in nature and will be mitigated to an acceptable degree by mitigation measures detailed in the EIAR. During the operational phase, I consider that the impact of the scheme will be largely positive due to the provision of housing, retail services (café) and employment. Any potential adverse impacts arising will be mitigated to an acceptable level by the measures detailed in the EIAR and would not result in significant impacts. There is potential for cumulative impacts in conjunction with other developments in the area, however, as the impacts from the proposed development would be relatively localised, I am satisfied that significant negative cumulative impacts would not arise.

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

#### 12.3.2. Biodiversity

Chapter 6 of the EIAR describes potential impacts on biodiversity. An ecological evaluation of the area was undertaken by a suitably qualified ecologist. The site is composed of heavily modified habitats within a built-up area. The main vegetative cover is dry meadow grass. There is also bear soil, hard standing and an earthen bank within the site. There are no watercourses within or in the immediate vicinity of the site and no habitats or species of conservation significance have been identified during site survey. A stand of Japanese Knotweed (invasive alien species) was identified in the eastern section of the site. Overall the site is considered to be of low ecological value. There is potential for impact on common bird or animal species during the construction phase due to site clearance and removal of habitat. During the operational phase there is potential for positive impacts due to the implementation of the landscaping scheme and the introduction of new plant species. The potential for impacts on water during the construction and operational phases is considered separately under the environmental factor water.

The impact of the proposed development on European sites is addressed in detail in Section 13.0 of this report. The site does not overlap or adjoin any European or nationally designated sites and the closest sites are in Dublin Bay. The screening assessment concludes that in the absence of clarity in relation to the capacity of the wastewater network to accommodate the proposed development it cannot be concluded, beyond reasonable scientific doubt, that the development as proposed would not impact on European Sites in Dublin Bay. This is discussed in more detail under water below. With the exception of water quality issues, I am satisfied that the potential for impacts on biodiversity during the construction and operational phases are not significant and that the risks identified will be adequately addressed by the mitigation measures detailed in the EIAR. In terms of cumulative impacts, no cumulative impacts are anticipated, and as such I am satisfied that the issue of cumulative impacts does not arise.

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

### 12.3.3. Land and Soils

Chapter 7 of the EIAR describes the potential impacts on land and soils. Ground conditions on site have been extensively surveyed and survey results are included in Chapter 7 of the EIAR. There is a 0.3 m layer of topsoil overlying 0.5 m to 1.1 m of made ground overlying cohesive deposits. The subsoils overlay bedrock. Site testing identified hydrocarbons in the soil adjacent to the neighbouring filling station.

The greatest potential for impact on land and soils arises during the construction phase. The construction works would involve excavation for construction of basements, foundations, roads and drainage / utility installations and importation of fill material. Contaminated soils are to be removed from the site and disposed of in a hazardous waste facility. Other soils are to be reused on site (c. 50%) or removed to a licenced facility. Other materials are to be imported as fill material. Mitigation measures are proposed to prevent or minimise potential impacts as detailed in Section

7.9 of the EIAR. Likely significant impacts on land and soil are not envisaged subject to the implementation of the mitigation measures outlined in the EIAR and in the Construction Environmental Management Plan. No operational phase impacts are envisaged. In terms of cumulative impacts on land and soil, I would note that there are a number of similar developments permitted or under construction on sites in the vicinity that would carry similar risks. I am satisfied that the risks outlined above can be similarly avoided, managed and mitigated through good construction management practices and that cumulative impacts are not likely to arise.

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

#### 12.3.4. Water

Chapter 8 of the EIAR deals with water. Water services have been described and assessed under the planning assessment in Section 11.8 of this report and are summarised below.

The EIAR notes that the area is served by surface water drains, by public foul drains and by a public watermain. There are no watercourses in the immediate vicinity of the site. The site is in Flood Zone C and has a low risk of flooding. The water table was encountered at c. 1m (western boundary) to 2.3m (eastern boundary) below existing ground level. GSI data indicates that the site is located on a 'Bedrock Aquifer' with a 'poor' classification. Groundwater vulnerability is classified as 'moderate' with an area of 'High' vulnerability at the southern corner of the site.

During the construction phase there is potential for contaminants to enter ground and surface water systems. The relatively highwater table presents a risk and the EIAR notes that it may be necessary to dewater the excavation area for the basement during construction. However, any potential impacts can be mitigated through best practice measures. During the operational phase, surface water from the site will discharge, via the public system, to Deansgrange Stream (c. 650 m south of the site) and

ultimately to Dublin Bay. SUDs measures have been designed into the scheme to control surface water discharge and quality. The water demand is not significant in the context of the overall region.

The risk of environmental impacts arising from foul water discharge during the operational phase cannot be excluded were the development to proceed based on the existing infrastructural provisions. The submission of Irish Water dated 2<sup>nd</sup> March 2020 states that due to the size of the development it is necessary to carry out detailed studies to confirm the available capacity of the wastewater network and the full extent of any upgrades and consents that may be required before facilitating a connection to the network. The proposed development is dependent on a connection to the public wastewater network and would be premature having regard to the existing deficiencies in the wastewater sewerage network in the area.

I have considered all of the written submissions made in relation to water and the relevant contents of the file including the EIAR. On the basis of the information provided and in particular the submission received from Irish Water, I am not satisfied that an adequate level of consideration has been given to the potential for significant environment impacts arising from wastewater discharges from the site and that impacts on the water environment would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. Unacceptable direct or indirect impacts in terms of water quality and cumulative effects, cannot therefore be excluded.

#### 12.3.5. Noise and Vibration

Chapter 9 of the EIAR addresses Noise and Vibration impacts. The EIAR described the baseline noise environment in the area and the potential for impacts on existing receptors and on the future. The noise climate at this location is dominated by road traffic noise from the N11 and urban activities. During the construction phase there is potential for noise and vibration emissions associated with construction activities. The impacts would be relatively localised and short-term in nature. These impacts can be mitigated. During the operational phase no significant outward noise or vibration impacts are envisaged. The potential for inward noise from the N11 to impact on the amenity of future occupants is also identified. It is proposed to provide enhanced acoustic specifications (glazing and ventilation) where necessary to ensure that

internal noise levels are within acceptable limits. I am satisfied that risks arising during the construction and operational phases can be addressed through the mitigation measures outlined in Section 9.10 of the EIAR and that no significant impacts would arise. No cumulative impacts are anticipated.

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

#### 12.3.6. Air Quality and Climate

Chapter 10 deals with Air Quality and Climate. The greatest potential for impact to air during the construction phase of the development is from dust, PM10 and PM2.5 emissions. These impacts can be mitigated through good construction practices, as set out in Section 10.9 of the EIAR and the residual impacts would be negligible in my view. In terms of climate there is potential for greenhouse gas emissions associated with the use of construction vehicles etc. but given the scale of the development it is considered that impacts would be negligible. The primary source of air and climatic emissions during the operational phase would be from traffic related emissions. The submitted Energy & Sustainability Report indicates that the buildings will comply with Part L Near Zero Building Standards. It is considered that impacts associated with the development would be long-term but imperceptible. Given the nature and scale of the development proposed, I am satisfied that no cumulative impacts would arise in respect of air and climate during construction and operational phases.

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

### 12.3.7. Microclimate – Wind; Daylight and Sunlight

#### Wind

Chapter 11 of the EIAR addresses wind and microclimate. These matters are also considered in the planning assessment under Sections 11.4 and 11.6. The EIAR includes a Wind Assessment prepared by IES consulting. No significant wind impacts are envisaged during construction. Wind impacts for the completed development have been modelled and assessed using Lawsons Criteria to assess safety, pedestrian comfort, standing and sitting criteria. The proposed development performs well for safety and walking. There is a more marginal compliance in terms of standing and sitting criteria at ground level particularly at locations where the space between buildings narrow. However, these are microclimate issues that would not be considered significant in the context of EIA.

#### Sunlight

The assessment indicates that most of the communal open spaces would receive more than 2 hours of sunlight on 21<sup>st</sup> March. The central amenity space would be in shade for most of the day. While 95% of the rooms tested in the scheme would achieve the required Average Daylight Factor, there is concern that units in the lower levels of Blocks A, B and C that face into courtyards are not assessed. However, these are microclimate issues that would not be considered significant in the context of EIA. I am of the view that no significant impacts arise in respect of sensitive receptors outside of the site.

#### Microclimate Conclusion

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

### 12.3.8. Landscape and Visual Impact Assessment

Chapter 12 of the EIAR describe the landscape and visual effects of the proposed development. The likely significant landscape and visual impacts have been described and assessed under the planning assessment in Section 11.3 above and are summarised below.

The site is currently vacant. It is located in a suburban area where the predominant building height is 1-2 storeys and there is a mix of residential and commercial uses. The proposed development comprises 8 no. apartment blocks of 2-12 storeys in height and 2 no. rows of 1-2 storey housing along the perimeter of the site.

The proposed development would change the character of the site from undeveloped to urban. Negative visual effects during the construction phase will be localised and short-term in nature. The greatest potential for impact arises during the operational phase. I consider the height, scale and massing of the proposed development is over scaled relative to the receiving environment and that the proposed development would give rise to significant negative visual and landscape impacts at a local level. Furthermore, the possibly of cumulative impacts with other developments along the N11 corridor cannot be excluded.

I have considered all of the written submissions made in relation to landscape and visual impact and the relevant contents of the file including the EIAR. On the basis of the information provided, I am not satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. Unacceptable direct or indirect impacts in terms of landscape and visual impacts and cumulative effects, cannot therefore be excluded.

#### 12.3.9. Material Assets – Traffic and Transport; Utilities; Waste Management

##### Traffic and Transport

Chapter 13 of the EIAR describe the Traffic and Transport effects of the proposed development. The Board is referred to Section 11.7 of the planning assessment in respect of traffic and transportation and the submitted Traffic and Transport Assessment, which conclude that the development would not have a significant adverse impact on traffic and transport in the area during construction and operational phases. Subject to appropriate mitigation and management no



significant construction or operational phase impacts, or cumulative impacts are envisaged.

### Utilities

Chapter 14 of the EIAR comprises an assessment of the likely impacts of the proposed development on existing utility services – including electricity, gas and telecommunications infrastructure. Mitigation measures are proposed to ensure that no damage or service interruption would arise during the construction phase. No significant residual or cumulative impacts are anticipated.

### Waste Management

Chapter 15 of the EIAR considers waste management.

Site specific waste management plans have been submitted with the application for the operational and construction phases of the development. Subject to appropriate mitigation and management no significant construction or operational phase impacts, or cumulative impacts are envisaged.

### Material Assets Conclusion

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

#### 12.3.10. Archaeology, Architectural and Cultural Heritage

Archaeology, architectural and cultural heritage is addressed in Chapter 16 of the EIAR. The site has been subject to desktop survey, geophysical survey and trench testing. There are no recorded monuments, protected structures or other cultural heritage designations within or in the immediate vicinity of the site and the site is considered to have low – moderate potential for undiscovered archaeology. On this basis, no direct, indirect or cumulative effects are predicted during the construction or operational phases of the development and mitigation is not considered to be necessary.

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

#### **12.4. Interactions between Environmental Factors**

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

- Population and Human Health, Soil, Water, Noise and Vibration, Air and Climate and Material Assets.
- Biodiversity, Land and Soil and Water.
- Land and Soil, Water, Noise and Vibration, Air and Climate, Material Assets - Traffic and Transport, Utilities and Waste.
- Noise and Vibration and Population, Air Quality and Climate,
- Air & Climate and Material Assets - Traffic and Transport.
- Wind and Microclimate, Landscape and Visual.

The various interactions have been described in the EIAR and have been considered in the course of this EIA. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

#### **12.5. Reasoned Conclusion on the Significant Effects**

12.5.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and observers in the course of the

application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to **population** due to an increase in the housing stock and economic activity.
- A direct negative effect on the **landscape and visual amenity**. The height, scale and massing of the proposed development is over scaled and discordant by reference to the receiving environment and would have a significant and negative impact on the receiving environment.
- Potential indirect effects on **water** during construction and operational phases. Impacts on surface water during the construction phases will be mitigated through construction management. The potential for impacts on water quality during the operational phase due to impacts on the wastewater network has not been satisfactorily resolved.
- Potential effects arising from **noise and vibration** and **air** during construction. These effects will be short-term in nature and will be mitigated by measures outlined in the relevant section of the EIAR.

12.5.2. The proposed development is not likely to have significant adverse effects on human health, biodiversity, land and soil, climate, micro-climate, material assets and archaeological, architectural and cultural heritage. Further it is not likely to increase the risk of natural disaster.

12.5.3. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. However, I am not satisfied, on the basis of the submitted information, that impacts on landscape and visual and water can be mitigated and that no residual significant negative impacts on the environment would remain as a result of the proposed scheme. Furthermore, having regard to the potential scale of impacts, I am not satisfied on the basis of the submitted information that the positive benefits of the scheme would outweigh the remaining negative impacts. I am, therefore, of the view that the potential for unacceptable direct or indirect effects on the environment cannot be excluded on the basis of the submitted information.

## 13.0 Appropriate Assessment

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

### Description of the Development and the Site

13.1.2. Permission is sought for a BTR development comprising 468 no. units, a café / restaurant unit and ancillary facilities. The site, with a stated area of 2.14 ha (gross), is located in Cornelscourt Dublin. The main vegetative cover is dry meadow grass. There is also bear soil, hard standing and an earthen bank within the site. There are no watercourses within or in the immediate vicinity of the site and no habitats or species of conservation significance have been identified during site survey. There is a stand of Japanese Knotweed (alien invasive species) in the eastern section of the site. Surface water runoff and foul effluent would discharge to the existing public drainage networks and the development will connect to the public water supply.

### Zone of Influence

13.1.3. The site is not within or necessary to the management of a European site. There is a potential impact pathway to European Sites within Dublin Bay via the surface water and foul water networks. Surface water from the development will discharge to the public surface water network, which discharges to the Deansgrange Stream, and ultimately to Dublin Bay. Foul discharge from the development would drain to the existing wastewater network which discharges to the Ringsend WWTP for treatment prior to discharging to Dublin Bay. Water supply would be from the Poulaphouca Reservoir SPA. In view of the potential hydrological connection to sites within Dublin Bay, I consider that the potential for effects on sites within the Dublin Bay coastal waterbody need to be considered at the Screening Stage. The potential for impacts on Poulaphouca Reservoir can reasonably be excluded at preliminary screening stage

as the water demand arising from the proposed development would be a small percentage of the overall water supply to the Dublin area and thus its impact would be marginal. There are no hydrological or ecological pathways to any other European sites due to the separation distances involved and the absence of any hydrological or other potential impact pathways. I am, therefore, satisfied that likely significant impacts can be excluded in respect of all other European Sites at the preliminary stage.

#### 13.1.4. Potential Effects on Designated Sites

There are 6 no. European sites that are downstream of the proposed development in Dublin Bay as follows:

Site Name (Site Code)	Distance to Development Site	Qualifying Interests
South Dublin Bay and River Tolka Estuary SPA (004024)	3 km (approx.)	Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130] Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Knot ( <i>Calidris canutus</i> ) [A143] Sanderling ( <i>Calidris alba</i> ) [A144] Dunlin ( <i>Calidris alpina</i> ) [A149] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Redshank ( <i>Tringa totanus</i> ) [A162] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Roseate Tern ( <i>Sterna dougallii</i> ) [A192] Common Tern ( <i>Sterna hirundo</i> ) [A193] Arctic Tern ( <i>Sterna paradisaea</i> ) [A194] Wetland and Waterbirds [A999]
South Dublin Bay SAC (000210)	3 km (approx.)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210]

		<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
<p>North Dublin Bay SAC (000206)</p>	<p>8.4 km (approx.)</p>	<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>Glauco-Puccinellietalia maritima</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>
<p>North Bull Island SPA (Site Code 004006);</p>	<p>9.4 km (approx.)</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p>

		Turnstone ( <i>Arenaria interpres</i> ) [A169] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Wetland and Waterbirds [A999]
Rockabill to Dalkey Island SAC (European Site No. 003000),	5 km (approx.)	Phocoena phocoena (Harbour Porpoise) [1351]
Dalkey Island SPA (European Site No. 004172)	4.8 km (approx.)	Roseate Tern ( <i>Sterna dougallii</i> ) [A192] Common Tern ( <i>Sterna hirundo</i> ) [A193] Arctic Tern ( <i>Sterna paradisaea</i> ) [A194]

13.1.5. The potential for significant effects on the qualifying interests of European sites in Dublin bay as a result of surface water discharges from the subject site can be excluded on the basis that the nature of any discharges during the construction phase is temporary, the fact that there will be no significant increase in surface water run-off during the operational phase and that surface water run-off will be attenuated and part treated within the site. Should a pollution event occur during the construction phase due to the accidental spillage or release of contaminants this would not be of such magnitude so as to have a significant adverse effect on downstream water quality in Dublin Bay due to the level of separation and dilution arising from the volume of water between the sites.

13.1.6. In relation to wastewater discharge from the site I would note that the submission from Irish Water indicates that it will be necessary to carry out detailed studies of the network to confirm available capacity and to determine the extent of upgrades which may be required to facilitating the proposed connection to the wastewater network. On the basis that a connection to the network would not be facilitated until such time as IW are satisfied that there is available capacity in the network to cater for discharges arising from the proposed development, I am satisfied that impacts on European Sites would not arise.

### AA Screening Conclusion

It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 000210 (South Dublin Bay SAC), European Site No. 003000 (Rockabill to Dalkey Island SAC), European Site No. 000206 (North Dublin Bay SAC), European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004172 (Dalkey Island SPA), European Site No. 004006 (North Bull Island SPA), or any other European sites, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **14.0 Conclusion**

I consider the principle of residential development to be acceptable on this site. The site is a zoned and serviced site within an established area where a wide range of services and facilities exist. The site is also proximate to high capacity bus services. An high quality residential development on this site has the potential to contribute to the provision of housing in the area. Notwithstanding this, I have serious reservations in relation to the proposal before me, in terms of the scale of development proposed and the associated visual impacts, the standard of amenity for future occupants and the capacity of the wastewater network to accommodate the proposed development. I consider the proposed scale, mass and height of the proposed structures is over-scaled by reference to the local context and the established character and pattern of development in the area. The design is considered to be of poor quality by reference to development standards set out in Section 28 Guidelines, namely, the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2018) and the Dun Laoghaire Rathdown County Development Plan 2016-2022. In particular the minimum standards in respect of public and communal open space provision (Appendix 1 Apartment Guidelines and Chapter 8 DLR CDP), dual aspect ratios (SPPR 4) and privacy standards (Chapter 8 DLR CDP) are not met and the issue of day light and sunlight access to individual apartment units and to amenity spaces has not been satisfactorily resolved. In addition, the development is not supported by a commensurate level of childcare provision in accordance with the guidance contained



in the Childcare Facilities Guidelines 2001. Irish Water indicate that it would be necessary to carry out further detailed studies to confirm the downstream foul network capacity and to determine the full extent of any upgrades required and consents required prior to facilitating the proposed connection to the wastewater network. On the basis of the foregoing I recommend that permission be refused.

## 15.0 Recommendation

15.1.1. I recommend that permission be refused for the reasons and considerations set out below.

## 16.0 Recommended Draft Board Order

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 20<sup>th</sup> of December 2019 by Cornell Living Limited, care of Brock McClure, Planning & Development Consultants, 63 York Road, Dun Laoghaire, Co. Dublin.

**Proposed Development:** The development will consist of the construction of a new residential development of 468 no. units in the form of 452 no. apartment units (41 no. studio apartment units, 257 no. 1 bed apartment units, 136 no. 2 bed apartment units; and 18 no. 3 bed apartment units) and 16 no. house units (10 no. 3 bed semi-detached house units and and 6 no. 1 bed bungalow units). A café / restaurant of c. 140 sq m; office space of 149 sq m; concierge of c. 149 sq m and central residential tenant amenity space of c. 458 sq m is also proposed.

The following build - to - rent residential development is provided:

452 build to rent apartment units (ranging from 1 - 12 storeys in height) in the form of 8 no. new residential blocks (Blocks A - H) as follows:

Block A (8 - 12 storeys) comprising 134 no. apartments (12 no. studio units, 93 no. 1 bed units and 29 no. 2 bed units);

Block B (2 - 9 storeys) comprising 103 no. apartments (18 no. studio units, 65 no. 1 bed units; 14 no. 2 bed units and 6 no. 3 bed units);

Block C (6 - 7 storeys) comprising 82 no. apartments (6 no. studio units, 60 no. 1 bed units and 16 no. 2 bed units);

Block D (5 storeys) comprising 36 no. apartments (1 no. studio unit, 5 no. 1 bed units; and 30 no. 2 bed units);

Block E (4 storeys) comprising 29 no. apartments (4 no. 1 bed units; and 25 no. 2 bed units);

Block F (2 - 4 storeys) comprising 56 no. apartments (4 no. studio units, 24 no. 1 bed units; and 16 no. 2 bed units and 12 no. 3 bed units);

Block G (3 storeys) comprising 6 no. apartments (3 no. 1 bed units and 3 no. 2 bed units); and

Block H (3 storeys) comprising 6 no. apartments (3 no. 1 bed units and 3 no. 2 bed units).

10 no. 3 bed semi-detached houses (2 storey) and 6 no. 1 bed bunaglows (1 storey) are proposed.

Adjacent to the existing pedestrian and vehicular access point from Old Bray Road there will be a café/restaurant of 140 sq m and residential amenity area at ground and first floor providing resident support services and concierge services of 149 sq m. At first floor level is a proposed commercial office space of c. 149 sq m. Located centrally within the development attached to the southern gable of Block B there is a two storey residential amenity space of c. 458 sq m; providing for resident support facilities and amenities including reading room, lounge, gym and terrace.

Each residential unit will be afforded with private open space in the form of a balcony/terrace/roof terrace or private rear garden area. Public open space is also proposed in the form of external residential amenity spaces, play areas, courtyards and gardens.

274 car parking spaces (273 at basement level and 1 at ground level), 616 bicycle parking spaces (512 at basement level and 104 at ground level) and 12 motorcycle spaces (12 at basement level) are proposed.

Basement areas of c. 9,024 sq m are proposed (Level -1) and include car parking, waste management areas and plant areas. 3 no. ESB substations and 3 no. Switch Rooms (c. 77 sq m combined) are proposed at ground level.

The development shall be served via the existing vehicular access point from the Old Bray Road. Upgrade works are proposed to this vehicular access point to facilitate the proposed development and to provide for improved access and egress for the overall development.

Provision is made for new pedestrian connections to Willow Grove; the N11; and Cornelscourt Village. Provision is also made for a new cyclist connection to the N11. A drop-off zone is also proposed at the entrance to the site.

The associated site and infrastructural works include provision for water services; foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works; boundary treatment; internal roads and footpaths; and electrical services.

## **Decision**

Refuse permission for the above proposed development based on the reasons and considerations 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.

## **17.0 Reasons and Considerations**

1. The National Planning Framework and Ministerial Guidelines promote innovative and qualitative design solutions and strong visual connections to support the creation of sustainable neighbourhoods. It is considered that the elevations of proposed Block A and Block B would be monolithic in terms of appearance and scale and would not represent an appropriate design solution for the site. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The proportion of single aspect apartments in the proposed development would contravene Specific Planning Policy Requirement 4 of the Guidelines for Planning Authorities on the Design of New Apartments issued by the Minister in March 2018. In addition, the level of communal open space provision is substantially below the minimum standard set out in Appendix 1 of the guidelines. The proposed development would, therefore, fail to provide an adequate level of residential amenity for future occupants of the scheme and would be contrary to guidelines issued to planning authorities under section 28 of the Planning and Development Act 2000, as amended.
3. The proposed development would be premature having regard to the existing deficiencies in the wastewater sewerage network in the area and the period within which this constraint may reasonably be expected to cease.

Note:

The applicant is advised that the Board considers that the proposed development is deficient in the provision of childcare places having regard to the guidance set out in the Childcare Facilities – Guidelines for Planning Authorities 2001.

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Karen Kenny  
Senior Planning Inspector

30<sup>th</sup> March 2020

## **Appendix 1 – Third Part Submissions**

Sub - Alan Guerins

Sub - Andy and Ruth Earle

Sub - Angela and Anthony Lincoln

Sub - Anthony Sayers

Sub - Auf Chorbachi and Alison Pollard

Sub - Billy Haskins

Sub - Brian and Elizabeth Montayne

Sub - Brian Moore

Sub - Brian Murphy

Sub - Bryan Murphy

Sub - Catherine Tully

Sub - Cathy King

Sub - Christina Murphy

Sub - Christine Cotterell

Sub - Ciaran Doyle

Sub - Cllr Maeve O'Connell

Sub - Colin Burns and others

Sub - Colin Tuite

Sub - Collette Haskins and others

Sub - Collette Haskins

Sub - Conor O'Shea

Sub - Darren Cotterell

Sub - David Cotterell

Sub - Declan and Rachel O'Keefe

Sub - Derek Cullinan

Sub - Dermot Caffrey

Sub - Dermot O'Neill

Sub - Donal O' Beirne

Sub - Edward P Farrell

Sub - Eimear Smith  
Sub - Elaine Cameron  
Sub - Elaine Pennefather  
Sub - Foxrock South Residents Association  
Sub - Frances Caffrey  
Sub - Garrett and Trish Smith  
Sub - Ger Ryan  
Sub - Grange Castle and Foxrock Woord Residents Association  
Sub - Helen DuNoyer  
Sub - Helen O'Beirne  
Sub - Inland Fisheries Ireland  
Sub - Irish Water  
Sub - James P and Maureen Fawley  
Sub - Jason Mahood  
Sub - Jenna O'Neill  
Sub - John Dockery  
Sub - Jonathan and Maire Halpin and Others  
Sub - Joseph and Elizabeth Peake  
Sub - Karen Keaveney  
Sub - Kathryn O'Neill  
Sub - Laura O'Neill  
Sub - Maeve and Michael Sweeney  
Sub - Maeve Cassidy  
Sub - Margaret Clarkin  
Sub - Marguerite Cotterell  
Sub - Maria Cotterell  
Sub - Mark Cotterell  
Sub - Mary Mitchell O'Connor  
Sub - Mary Louise McMahon

Sub - Maurice Moynihan  
Sub - Michael Masterson and Janet Buckley Masterson  
Sub - Naomi and Matthew Ryan  
Sub - Naula Byrne and Others  
Sub - Niamh Crowley  
Sub - Noel and Enda O'Reilly  
Sub - Noel and Pauline King  
Sub - Orla Murphy  
Sub - Paul Lynch  
Sub - Paul O'Neill  
Sub - Pauline King  
Sub - Peig and Eddie Laverty  
Sub - Philip Rowe  
Sub - Ray Cahill  
Sub - Richard Cahill  
Sub - Robert and Sheenagh Enraght Moony  
Sub - Sean Carty  
Sub - Siobhan Moore  
Sub - Stephen and Yvonne Hudson  
Sub - Stephen Staunton  
Sub - Susan Ryan  
Sub - Theresa Bannister  
Sub - Therese McDonnell  
Sub - Thomas King  
Sub - Transport Infrastructure Ireland  
Sub - Una Balfe and Others  
Sub - Willow Grove Residents Association