



An
Bord
Pleanála

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

Inspector's Report ABP-308157-20

Strategic Housing Development

628 build-to-rent apartments, crèche,
retail/cafe and associated site works.

Location

Marmalade Lane, Wyckham Avenue,
Dundrum, Dublin 16.

Planning Authority

Dun Laoghaire Rathdown County
Council

Applicant

1 Wyckham Land Limited

Prescribed Bodies

Irish Water

Irish Aviation Authority

Minister for Culture, Heritage and the
Gaeltacht

Heritage Council

An Taisce — the National Trust for
Ireland

Faillte Ireland

An Chomhairle Ealaíonn

Observer(s)

65 submissions received

Al and Carmel Crowley and Family

Alison Kennedy

An Taisce

Andrew McKiernan

Anne-Marie Cunningham

Brian and Emma McCarthy

Brian Hagan

Carmel Doherty

Carmel Ryan

Christina Lynam

Ciaran Callan

Ciaran O'Brien

David and Teresa Roome

David J Dowsett

Desmond and Elizabeth Gilmore

Development Applications Unit

Eileen Hickey

Elaine Hyland

Emma Hughes

Emma Kennedy

Frank Keane

Gerald Farrell

Gerald McConnell

Gerry Fagan

Inland Fisheries Ireland

Irish Aviation Authority

Irish Water

Jacinta Byrne

Jennifer Keane

Jim and Fiona O Leary

John and Ita MacDonald

John and Margaret McPartland

John Kelly

John Kilgallon

John M. Molloy

Karen O'Connor

Karen Symmons

Kate Shearer

Killian O Beirne The concerned
residents of Wesley Estate

Killian O Beirne

Liam and Liz McLoughlin

Liam and Margaret Casey

Lucy Murray and Other

Marguerite Thornton and Family

Marian Cahill

Mary Fahy

Matthew Kirrane and Others

Michael and Catherine Tighe

National Transport Authority

Nicholas Lee

Nicola

Olive and Padraic Mullen

Olive and Patrick Hand
Parkvale Residents Association
Paul and Sally Elliott
Paul O Connor
Peter Grennan and Therese Dunne
Philip and Dealbha Pender
Richard Morris
Ruth Price
Sarah Coen
Seamas O Cathain
Seamus and Eileen Doyle
Sean O'Dwyer
Sharon Brennan Balally Residents
Association
Siobhan Harvey
Susan Rice
Thomas and Yvonne Sheerin
Wyckham Place OMC and Wyckham
Point OMC

Date of Site Inspection

04th December 2020

Inspector

Lorraine Dockery

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site, which has a stated net site area of 3.4918 hectares, is located to the east and south of Gort Muire, Carmelite convent, Dundrum, Dublin 16. The site is accessed from Wyckham Avenue, off Wyckham Way to the NW corner. It currently comprises open, agricultural lands. The lands fall from the southern boundary towards its NE corner, and ground levels vary across the site by approximately 10 metres.
- 2.2. The boundaries of the site are delineated by modern post and rail fencing with some planting along the boundaries. There is some relatively recent felling of mature trees evident. There are no built structures on the site.
- 2.3. The subject site is located approximately 1.1km by foot from the LUAS line at Balally and 1.3km by foot from Kilmacud LUAS stop. It is less than 1km from Dundrum Town Centre and approximately 3 km to the Sandyford Business Park. St. Tiernan's school is located immediately to its north. There are a number of bus routes in the vicinity.
- 2.4. The uses in the immediate vicinity are primarily residential, educational, institutional and recreational. To the south and east are mature, two-storey residential housing developments and the rear gardens of Parkvale and Wesley Lawns border the site. There are a number of apartment developments on Wyckham Avenue, ranging in height from 5-8 storeys. Permission has recently been granted in the walled garden, which was previously connected to the overall landholding and is located to the NW of the subject site.
- 2.5. It is stated on the documentation that the application site was previously owned by the Carmelite Order but was sold to the applicant in 2019. It is stated in the documentation that when owned by the Carmelite Order, the site remained as a fenced off, agricultural field and was never formally landscaped as part of the

attendant grounds of the main complex of buildings. Equally it never formed part of the formal recreational amenity area for the Carmelite Centre. The applicant's ownership extends to include the existing access road into the Carmelite Centre and Wyckham Avenue.

3.0 Proposed Strategic Housing Development

3.1. The proposed development, as per the submitted public notices, comprises a 'Build to Rent' (BTR) apartment development consisting of 628 no. apartments in seven blocks, with residential amenity facilities, café/retail and all ancillary site works. The proposed works also include for improvement works to the existing Carmelite Centre access road and entrance. Proposed works also include for a new pedestrian access route through to the site boundary, with the aim of connecting the site through to Ballawley Park. The actual connection is not being provided.

3.2. The following tables set out some of the key elements of the proposed scheme:

3.3. Table 1: Key Statistics

	Proposed (all figures stated by applicant in submitted documentation)
Site Area	4.0305 ha (gross)/3.4918 (nett)(excluding Wyckham Ave & existing Carmelite access road)
No. of units	628 BTR apartments in 7 blocks
Other uses	Childcare Facility (267 childcare spaces) - 620 m ² Retail/ Cafe- 161 m ² Resident Amenity Facilities & Amenities- 3897 m ²
Density	180 units/ha (nett)
Aspect	59% dual aspect
Height	3- 9 storeys over two levels of basement/undercroft
Open Space Provision (public and communal)(nett)	13,137 m ² (37%)
Car Parking Provision	278 spaces (0.44 spaces/unit)/26 GoCar spaces
Bicycle Parking Provision	1354 spaces (2.2 spaces/unit)

Motorbike Parking Provision	21 spaces
Access	From Wyckham Avenue
Part V	63 units- 28 x 1bed; 31 x 2 bed; 4 x 3 bed

Table 2: Unit Mix

	1 bed	2 bed	3 bed	Total
PROPOSED	279 (44%)	318 (51%)	31 (5%)	628

- 3.4. A CoF from Irish Water was submitted with the application, which states that the proposed connection to the IW network can be facilitated. In relation to water supply, connection is feasible subject to testing. In relation to wastewater, a new connection to existing network is feasible without upgrades. A Design Submission has also been submitted. Irish Water states that based on the information provided, they have no objection to the proposal.
- 3.5. A letter of consent from the Carmelite Order has been submitted, giving consent to the making of a planning application of lands within their control at Gort Muire, Dundrum (dated 10/08/2020).
- 3.6. A letter from Maples and Calder LLP has also been submitted confirming land ownership (dated 28/07/2020)
- 3.7. A Draft Build-to-Rent Agreement has been submitted with the application.
- 3.8. It is currently envisaged that the proposed development will be completed in a single phase.

4.0 Planning History

There are a relatively large number of applications in the wider area. Applications of relevance are as follows:

Walled Garden:

ABP-304590-19:

Permission GRANTED for 116 no. apartments in 4 no. blocks of up to 5 storeys (SHD application).

307545-20

Permission GRANTED for modifications to previously permitted ABP-304590-19 to provide an additional storey on each of the four no. permitted blocks to provide a total of 26 no. additional apartments and associated site works. The overall height of the development permitted is 6 storeys with a parking ratio of 0.18 spaces/unit.

D15A/0772/PL06D.246252:

Permission REFUSED for 108 apartments in two separate 4 storey blocks with basement car parking with 6 no. duplex units within the farm building complex.

D02A/1264/PL06D.203222

Permission GRANTED for 96 Apartments comprising 19 x 1 bed, 62 x 2 bed and 15 x 3 bedroom units in 2 Blocks ranging 4 to 6 storeys in height with associated underground and surface car parking and site development works.

Sites in Vicinity

D06A/1588:

Permission GRANTED for 47 no. 2-3 storey mews style dwellings.

ABP-303041-18 (D18A/0865):

Permission GRANTED for a new primary school within the grounds of St. Tiernan's Community School.

D04A/1168/PL 06D.213291

Permission GRANTED for a residential development in three blocks. The number of units applied for was 541 but this was reduced by way of condition.

This development was subsequently amended by D06A/0908, D06A/1421, D07A/0193, D07A/1733 and D10A/0654.

5.0 Section 5 Pre Application Consultation

- 5.1.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 25th March 2020. Representatives of the prospective applicant, the planning

authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála (Ref. ABP-306506-20). An Bord Pleanála considered that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development.

Scale and Massing

Further consideration/justification of the documents as they relate to the scale, form, visual impact, materials and finishes to the proposed buildings, in particular the eight/fifteen-storey block B to the north of the site. The further consideration/justification should address the proposed scale and massing given, inter alia, the receiving transitional nature of the environment, including single storey and two storey development in proximity of the site to the south and south east i.e. Wesley Lawns and Wesley Heights and location of the site outside of a Major town centre or District centre zone. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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

1. A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with local planning policies having specific regard to the zoning objective of the site, Zoned 'A': 'To protect and or improve residential amenity' and the 'INST' symbol and its applicability to the development site in question having regard to the concerns raised in the Planning Authority's opinion.
2. An updated Architectural Design Statement. The statement should include a justification for the proposed development, having regard to, inter alia, urban design considerations, visual impacts, site context, the locational attributes of the area, linkages through the site, pedestrian connections

and national and local planning policy. The statement should specifically address the separation distance between proposed blocks, finishes of the blocks, the design relationship between the individual blocks within the site, the relationship with adjoining development and the interface along the site boundaries. The statement should be supported by contextual plans and contiguous elevations and sections.

3. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and justification is required for compliance with dual aspect of 33%, should this be the case. In the interests of clarity clear delineation/colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect.
4. A detailed assessment of the quantum and location of resident support facilities and resident services and amenities in the context of SPPR7 set out in 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018). It is important that the proposal is described in the public notices associated with a planning application specifically as a 'Build-To-Rent' housing development and is accompanied by detailed proposals for supporting communal and recreational amenities.
5. A Construction Environmental Management Plan (CEMP) that addresses, inter alia, tree protection during construction phase and an Arborist Assessment required clearly indicating:
 - monitoring of tree protection and mitigation measures;
 - adherence to tree protection measures;
 - supervision of works;
 - post construction assessment and measures to promote / assess regular health and condition of trees.
 - A full and detailed Green Infrastructure Plan,
 - Landscaping Plan,

- Arboriculture drawings and engineering plans that take account of one another.
6. Clarification at application stage regarding connection to water and drainage infrastructure having regard to issues raised in the Irish Water submission dated 28th February 2020.
 7. Clarification at application stage how proposed pedestrian, cycle and vehicular links through the site and connectivity with the wider area, in particular Ballawley Park, Wesley Heights, Wesley Lawns/Greenmount Lane and St. Tiernan's Community School are to be delivered.
 8. An Assessment which details the rationale for the proposed location and quantum of car parking and cycle parking spaces, having regard to, inter alia, Chapter 4 (Communal Facilities in Apartments) of the 'Sustainable Urban Housing: Design Standards for New Apartments' (2018).
 9. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
 10. A response to matters raised within the planning authority Opinion and Appended County Council Department comments submitted to An Bord Pleanála on the 20th February 2020.
 11. Full and complete drawings, including levels and cross sections showing how the development will interface with adjoining school lands to the north and residential lands particularly to the south and south east.
 12. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to potential overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjacent residential development.
 13. A Shadow Impact Assessment of the development on the wider area.
 14. A visual impact report to address the details of Architectural Heritage impact raised by the Conservation Officer, in her report attached to the

planning authority Opinion, submitted to An Bord Pleanála on the 20 February 2020.

15. Views/photomontages of the proposed development from the surrounding area.
16. A report that specifically addresses the proposed building materials and finishes and the requirement to provide high quality and sustainable finishes and details.
17. A construction and demolition waste management plan.
18. As per SPPR7 of the Sustainable Urban housing: Design Standards for New Apartments Guidelines for Planning Authorities, March 2018 the development must be described in the public notices associated with a planning application specifically as 'Build to Rent' housing development and a covenant/legal agreement is required at application stage for BTR development.

Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the specific information raised in the Opinion.

6.0 Relevant Planning Policy

6.1. National Planning Policy

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

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

- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Climate Action Plan

Other policy documents of note:

- National Planning Framework

Objective 13

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

Objective 27

...to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

Objective 35

Increase residential density in settlement, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

- Regional Spatial & Economic Strategy for the Eastern & Midland Regional Assembly
- Dublin Metropolitan Area Strategic Plan

6.2. Local Planning Policy

The Dún Laoghaire-Rathdown County Development Plan 2016-2022 is the operative County Development Plan for the area.

Zoning:

'Objective A' which seeks to 'protect and/or improve residential amenity'

Map 1 shows the Carmelite Centre lands are also indicated with an 'INST' symbol which is listed on the Map Index under "Other Objectives" and is separate to the "Use Zoning Objectives". The INST designation is stated as *"To protect and/or provide for Institutional Use in open lands."*

There is an objective 'to protect and preserve Trees and Woodlands'. Two tree symbols located on the site, one to the eastern boundary and one to the western boundary of the subject site.

The 'Gort Muire Centre' (RPS No. 1453) is listed in the Record of Protected Structures in Appendix 4 of the Plan and is described as 'water gardens, garden walls and farm building complex, house, ornamental ironwork, conservatory and water tower'. The description refers to the overall Gort Muire complex. The Gort Muire complex is outside of the site as outlined in red. I also note Gort Muire Gate Lodge and Entrance Gates (RPS No. 1446).

Policy RES5 of the County Development Plan states that "Where distinct parcels of land are in institutional use (such as education, residential or other such uses) and are proposed for redevelopment, it is Council policy to retain the open character and/or recreational amenity of these lands wherever possible, subject to the context of the quantity of provision of existing open space in the general environs".

Section 2.1.3.5 states that "It is recognised that many institutions in Dun Laoghaire-Rathdown are undergoing change for various reasons. Protecting and facilitating the open and landscaped 'parkland' settings and the activities of these institutions is encouraged. Where a well-established institution plans to close, rationalise, or relocate, the Council will endeavour to reserve the use of the lands for other institutional uses, especially if the site has an open and landscaped setting and recreational amenities are provided. Where no demand for an alternative

institutional use is evident or foreseen, the Council may permit alternative uses subject to the zoning objectives of the area and the open character of the lands being retained.”

Section 8.2.3.4(xi) notes a minimum open space requirement of 25% of the total site area (or population based provision, whichever is the greater).

Section 2.1.3.5 states that in the development of institutional lands the average net densities should be in the region of 35-50 units per ha but that in certain instances higher densities will be allowed where it can be demonstrated that they contribute towards the designation retaining the open character and/or recreational amenities of the lands.

Policy UD1: It is Council policy to ensure that all development is of high quality design that assists in promoting a ‘sense of place’. The Council will promote the guidance principles set out in the ‘Urban Design Manual – A Best Practice Guide’ (2009), and in the ‘Design Manual for Urban Roads and Streets’ (2013) and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.

Policy UD6: It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County

Dundrum is designated a Major Centre in the Metropolitan Area in the Core Strategy Figure 1.1. The site is also included in Figure 1.3 as part of the 410 ha of serviced land which are to yield 18,000 residential units. It is further noted in section 1.2.5.1 that “In addition to the major parcels of zoned development land detailed above, the ongoing incremental infill and densification of the existing urban area will generate, over time and on a cumulative basis, relatively significant house numbers”. It is stated that a new Local Area Plan is to be prepared for Dundrum during the life of the County Plan. The site is located a short distance outside the indicative map for the Local Area Plan.

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

There are a number of policies and objectives within the operative County Development Plan in relation to residential development; urban design principles, transport, building heights and other such matters.

Housing policies (section 2.1.3) include:

Policy RES3: Residential Density, which promotes higher residential densities in the interests of promoting more sustainable development whilst ensuring a balance between this and ensuring the reasonable protection of residential amenities and established character of areas;

Policy RES4: Existing Housing Stock and Densification, which encourages the densification of existing housing stock to retain population levels,

Policy RES7: Overall Housing Mix, which encourages the provision of a wide variety of housing and apartment types.

Policy AR1 relates to Protected Structures and Part(iv) is to “Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.”

Policy ST3: It is Council policy to promote, facilitate and cooperate with other transport agencies in securing the implementation of the transportation strategy for the County and the wider Dublin Region as set out in Department of Transport’s ‘Smarter Travel, A Sustainable Transport Future 2009 –2020’ and the NTA’s ‘Greater Dublin Area Draft Transport Strategy 2016-2035’. Effecting a modal shift from the private car to more sustainable modes of transport will be a paramount objective to be realised in the implementation of this policy.

Appendix 9 details the Building Height Strategy. Section 4.8 relates to ‘residual areas’ and states that a maximum of 3-4 storeys may be permitted in appropriate locations - for example on prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes - providing they have no detrimental effect on

existing character and residential amenity. Furthermore, it states that there will be situations where a minor modification up or down in height by up to two floors could be considered and these factors are known as 'Upward or Downward Modifiers'.

Section 4.8.1 Upward Modifiers

It is stated that Upward Modifiers may apply where: the development would create urban design benefits; would provide major planning gain; would have a civic, social or cultural importance; the built environment or topography would permit higher development without damaging appearance or character of an area; would contribute to the promotion of higher densities in areas with exceptional public transport accessibility; and, the size of the site of e.g. 0.5 ha could set its own context. To demonstrate that additional height is justified, it will be necessary for a development to meet more than one 'Upward Modifier' criteria.

Table 8.2.3 sets out the residential land use car parking standards as follows:

Residential Dwellings -	1 space per 1-bed and 2-bed unit
	2 spaces per 3-bed unit
Apartments -	1 space per 1 bed unit
	1.5 spaces per 2 bed unit
	2 spaces per 3-bed unit+

Table 4.1 sets out the cycle parking standards as 1 short stay space per 5 units and 1 long stay space per unit.

6.3. Applicant's Statement of Consistency

A Statement of Consistency with local and national policy has been submitted with the application, as per Section 8(1)(iv) of the Act of 2016.

A Material Contravention Statement has been submitted in relation to the matter of (i) 'INST' (Institutional) designation and open space requirements (ii) 'INST' (Institutional) designation and density (iii) building height.

7.0 Observer Submissions

7.1. In total, 65 observer submissions were received. Submissions were received from the residents of Parkvale Residents' Association, Balally Residents Association and Wyckham Place OMC & Wyckham Point OMC. The bulk of the submissions received came from residents of Wesley Lawns/Wesley Heights and Clonard Close/Road/Park. Some submissions highlight that they do not object to development in principle on these lands, but concerns are raised in relation to the current proposal. These concerns may be summarised as follows, with the topics expanded upon where necessary within my assessment.

- Backland, infill site containing Protected Structures; currently green field; location removed from Dundrum
- Site not zoned for heights/densities proposed; materially contravening CDP; non-compliance with national guidance; fails to sufficiently address requirements of 'INST' designation
- Height/density/scale/bulk/design of proposed development; architecture of proposal; non-compliance with RES5 of operative CDP
- Severe overdevelopment/over-intensification; dominate the landscape; visual impacts
- Proximity to boundaries
- Views from their properties; devaluation of property
- Overlooking; overshadowing; overbearing; loss of privacy; permanent loss of amenity; safety and security concerns; level differences; location of bbq area
- Transport, parking and pedestrian access- concerns regarding location of pedestrian access and impacts on amenity; safety concerns; increased traffic; inadequate parking; traffic safety
- Overflow of car parking; insufficient parking provision

- Open space provision; impacts on Ballawley Park (strip of land which borders Wesley Heights and separates it from proposed development) which could lead to anti-social behaviour; removal of trees and hedgerows; removal of boundary walls; visual impacts on park
- Construction management concerns- noise, vibration, dust, light pollution; construction vehicle parking; hoarding; vermin; impacts on health and wellbeing; impacts of covid-19; structural impacts on neighbouring properties
- Lack of creation of cohesive community; concerns regarding BTR nature of development; impacts on social infrastructure; capacity of existing social infrastructure
- Inadequate size of proposed units; unit mix; unit tenure, management of proposed development; inadequate resident amenities facilities
- Consider 2-4 storey height more appropriate at this location with minimum setback of 100m from closest boundary; removal of Block D and reinstatement of open space at this location
- Distances from public transport, inaccuracies in walking distances cited; misleading photomontages
- Environmental concerns; impacts on birds and wildlife; loss of green lung; increase in carbon footprint; deficiencies in EIAR; air pollution; water contamination; impacts on foxes
- Timing of proposed development; SHD process including concerns regarding public participation; lack of public consultation

Additional concerns raised in the remainder of the submissions, not highlighted above include:

- Impacts on character of the area; failure to transition to adjacent low rise schemes
- Daylight/sunlight; lack of assessment of effect to VSC on Parkvale and Wesley Lawns and Annual Probable Sunlight Hours
- Entrance to St. Tiernan's school via Parkvale
- Wind impacts

- Scale model should be made available
- Block C should be omitted from proposal
- Impacts on smooth Newts, frogs, owls, squirrels; Great Spotted Woodpecker
- Compliance with fire regulations
- Noise from heat pumps
- Traffic and transport concerns including, inter alia, insufficient road accident data, concerns regarding access arrangements, information provided in relation to traffic
- Procedural issues relating to wording of public notices (site area not specified); address given as Marmalade Lane when road is Wyckham Place; reference to Protected Structures; reference to 'improvement works'; location of wayleave not demarcated; red line boundary

8.0 Planning Authority Submission

- 8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun-Laoghaire Rathdown County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 05th November 2020. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to the pre-application consultations, site location and description, letters of consent, proposed development, zoning, planning history, in-house reports, submissions/observations, summary of views of elected members, policy context and assessment. A summary of representations received was outlined.

Summary of Inter-Departmental Reports

Drainage Division:

A number of outstanding issues require resolving; conditions attached

Transportation Planning Division:

Concerns raised in relation to permeability/connectivity; unacceptable level of car parking; quality of cycle parking provision. Concurs with NTA in relation to access road layout/proposed entrance road layout. Conditions attached

Parks and Landscaping Division:

Further details required; conditions attached

Housing Department:

Condition attached

Conservation Report:

None received

A thorough and detailed report was received from the planning authority. The main issues raised in the assessment shall be expanded upon, where necessary, within my assessment. The report concludes as follows:

There are serious concerns regarding the principle of developing a large-scale residential development that relies heavily on connections to neighbouring lands, with no agreement in place from the neighbouring landowners.

Materially contravenes Policy UD6 Appendix 9 of the CDP that allows for heights of 6 storeys in this area.

Proposal fails to consider the surrounding context of two-storey dwellings within adjacent estates. Submitted CGIs clearly show that these existing dwellings will be heavily affected by the overbearing and dominant nature of the proposed development. Serious concerns regarding overall scale, bulk, massing, height and physical dominance of the development and its impact on the surrounding area including Gort Muire.

The proposed site is subject to the 'INST' designation and a requirement for the retention of trees and the open character of these former institutional lands. Given the scale of the development, including the footprint of the 7 blocks, the open character of the site is entirely lost and further to this, the required 25% of the site should be reserved for public open space, which has not been delivered.

Proposed development does not provide convenient access to quality public

transport and lies outside the requisite one-kilometre catchment

Serious concerns regarding the standard of apartments proposed, in particular the use of corner windows as dual-aspect units. This is not acceptable and the figures put forward within the submitted documentation should be disregarded.

The large scale level of development with little meaningful open space and reliance on a strip of land outside the control of the applicant for connectivity and permeability to nearby Ballawley Park is premature and ill-considered at this stage of the development process. There is no certainty that the developer can or will carry out works outside their redline area.

Considers that the mix of units in terms of unit sizes is not appropriate for this location and that a wider spectrum of unit types, including 3+ bedrooms would be appropriate.

Site has ability to provide a higher density development; densities higher than 50 units/ha could be acceptable in principle however proposed density of 180uph is indicative of overdevelopment

Refusal of permission recommended for seven reasons, summarised below as follows:

- (i) Height would seriously detract from visual and residential amenities of property in the vicinity...materially contravene Policy UD6
- (ii) ...scale, bulk and height of proposed development and its proximity to site boundaries... would seriously injure the residential amenities and depreciate the value of property in vicinity, materially contravening stated zoning objective...
- (iii) ...scale, height, dominant form and insufficient transition provision would seriously detract from and be detrimental to the character of the surrounding area and would significantly compromise the amenities of institutional, recreational, educational and residential property, including Protected Structures, by reason of visual dominance....considered not to be in accordance with section 8.1.1. of CDP
- (iv) ...fails to retain a minimum of 25% of open space of the total site area and fails to maintain the open character of these lands, materially contravening

Policy RES5 and section 8.2.3.4(xi) of the CDP. In addition...density proposed far exceeds the average net densities outlined in Policy RES5, section 2.1.3.5 of CDP. Furthermore...failed to provide a masterplan for the overall institutional lands, as required by section 8.2.3.4(xi) of the CDP...the proposed development fails to address the site's current policy status as institutional lands.

- (v) The number of units described as dual aspect but are in fact single aspect with projecting windows results in a development which fails to accord with Specific Planning Policy Requirement 4 of the Sustainable Urban Housing: Design Standards for New Apartments...the proposed development would therefore fail to provide an adequate level of residential amenity for future occupants of the scheme...
- (vi) ...proposed car parking/car storage provision...is significantly deficient by reference to Table 8.2.3...and is inconsistent with the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments...would give rise to unacceptable levels of on-street parking and overspill in the surrounding area, seriously injuring the residential amenities of the area and endangering public safety by reason of traffic hazard and by the obstruction of road users
- (vii) Proposed mix of units...is not appropriate for the site's context, which is currently weighted towards smaller type units ...contrary to CDP Sustainable Communities Strategy.

The report includes a summary of the views of relevant Elected Members, as expressed at the Dundrum Area Committee meeting held on 11th September 2020 and are summarised below and shall be expanded upon further during the course of my assessment:

- Quantum of development
- Visual impacts
- Car parking and traffic

- Impacts on residential amenity
- Impacts on heritage
- Ecology
- Other issues

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- Irish Aviation Authority
- Minister for Culture, Heritage and the Gaeltacht
- Heritage Council
- An Taisce — the National Trust for Ireland
- Fáilte Ireland
- An Chomhairle Ealaíonn
- Irish Aviation Authority

Four bodies have responded and the following is a brief summary of the points raised. A submission was also received from Inland Fisheries Ireland and National Transport Authority. Reference to more pertinent issues are made within the main assessment.

Inland Fisheries Ireland

The proposed development is within the catchment of the River Dodder, an important salmonid system. Development will potentially impact directly on the Slang Stream (a salmonid channel) and subsequently to the River Dodder. The Slang is a tributary of the River Dodder, an important salmonid system. The stream functions as a nursery for the Dodder channel trout population. Although heavily impacted by development, considers that the Slang as a stream with significant potential for

rehabilitation. Any future development in the area should not cause any degradation of fishery habitat.

The River Dodder is exceptional among most urban rivers in the area in having resident salmon and sea trout populations, underlying the sensitivity of this particular watercourse and the Dodder catchment in general. The river is regarded as a very important fishery. Only clean, uncontaminated surface waters must be permitted to discharge to the surface water network so that the ecological integrity of the system is protected.

A number of conditions have been recommended

Irish Aviation Authority

Should permission be granted, the applicant should be conditioned to notify the Authority of the intention to commence crane operations prior to at least 30 days of their erection

Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media

Architectural Heritage

Having reviewed the particulars of the proposal it is noted that the subject site is understood as a cultural landscape/area that has continued to evolve over time as evidenced by the layering in of additional institutional buildings. The receiving environment is regarded as a historic/cultural landscape, which the proposal reduces in order to facilitate the development of an extensive residential scheme. The context is understood to be one that has changed dramatically over recent times with the arrival and insertion of many different residential typologies and scales.

In the review of the submitted information it is considered that the proposed layout responds to the formal arrangement of the earlier linear structures, in its overall plan arrangement and that the setting of the larger block to one side is largely positive. The proposed layout provides a sequence of spaces extending from the old to the new and maintains a permeability through the site.

However, the proposal gives rise to a number of concerns, mainly to do with scale, the close proximity of the blocks to each other and to the Protected Structure, the encroachment on the setting of the Protected Structure and the potential impact on the wider landscape of the Dublin Mountains.

These following points are set out for the consideration of An Bord Pleanála in their assessment of this current proposal:

- The proposed design introduces significantly deeper plan type and a robust scale of residential blocks that are of a significant enlargement to the adjoining structures in terms of height and massing.
- The proposed development doesn't make adequate adjustment to the adjoining scale, the proposed stepped profile is of minimal benefit due to the profile of the site and the proximity of the development to the site boundaries.
- The distant views of the proposed scheme should be carefully considered in the overall prevailing scale of the area set in the context of the Dublin Mountains, which would have been historically recognised as the backdrop to the siting of Gort Muire and as the amenity to its planned landscape. Gort Muire as a ... C19th residence would have had the enjoyment of the amenity and aspects towards the Dublin Mountains as a key consideration in the design and orientation of its principle reception spaces as well as planned landscape.
- The impact of the proposed development has not been considered adequately in the context of Gort Muire from which no views have been provided to demonstrate the overall massing and close proximity of the development i.e. Blocks E, F & G and their impact on the historical setting of the Protected Structure and its boundary from the Protected Structure.
- The impact of the proposed development immediate to the interfacing/shared boundary between the Protected Structure and the development site is not adequately illustrated in this submission.
- The location of substantial scale immediate to the shared and exposed boundary on a rising topography is of concern. The contiguous elevations and sections provided don't indicate the Protected Structure scale/setting and don't describe the impact of the proposed development on the setting of the Protected Structure.
- The proposed bicycle sheds are not regarded as being of adequate mitigation between the development and the extant historic setting of the Protected Structure and its features.

- Similarly the removal of mature trees/planting to the north boundary is not supported as the mitigation of the development is proposed externally of the subject site.

Reconsideration of these above points in the review of this proposal is requested.

Nature Conservation

Having considered the documentation supporting the present application it is noted that while it is intended to retain most of the 201 trees present along the boundaries of the site of this proposed SHD, circa 40 trees are to be removed to facilitate construction of the development as planned. Overall many more trees are to be planted as part of the landscaping of the proposed development which in the long term should therefore minimise the impact of the development on biodiversity.

However some of the trees to be removed can be expected to harbour the nests of breeding birds in season. It is noted also, and welcomed, that in order to maintain an access route for badgers from a sett located in adjacent lands into the areas of open space which are to be incorporated in the site landscaping, it is proposed to plant the south western boundary of the site with shrub species such as hawthorn, blackthorn, dog rose and bramble which will provide cover for the badgers and which will be difficult for people to penetrate.

Conditions attached

An Taisce

Recognises that the site is suitable for substantial residential development but considers that the present proposal is not appropriate for the following reasons:

- Building height and scale
- Impact on Protected Structure
- Material Contravention of CDP
- Insufficient car parking/ sustainable transport

Irish Water

IW has issued the applicant a Statement of Design Acceptance for the development, as proposed. Therefore, IW requests a condition be attached to any grant of permissions that the applicant sign a connection agreement with IW prior to the commencement of the development and adhere to the standards and conditions set

out in that agreement.

National Transport Authority

Site and Public Transport Accessibility

The subject site provides an opportunity to deliver residential development on an infill suburban site, which accords with a key Strategic Planning Principle in the Transport Strategy (Section 7.1.2). The site is within 1 km of the Major Town Centre at Dundrum, and within 2 km of Sandyford, which is a significant employment destination.

The new Dublin Area Bus Network published by the NTA in September 2020 includes a number of bus routes on Wyckham Way that would serve the proposed development. In addition, the Balally Luas stop is c.1.1 km from the site and further bus routes run on Sandyford Road to the east of the site. With improved permeability, as set out below, these public transport services would also be accessible from the subject site.

The proposed development would increase the number of people living within walking and cycling distance of public transport and a town centre, which is consistent with the Local Planning Principles contained in the Transport Strategy. The NTA is therefore supportive in principle of the proposed development as it aligns with the Principles of Land Use and Transport Integration set out in the Transport Strategy.

Permeability

The NTA is fully supportive of the delivery of these access points ('Future pedestrian access to Ballawley Park – Subject to agreement with DLRCC') as they would provide considerably improved permeability for walking and cycling, thereby supporting these modes for access to local services, education and public transport stops for bus and Luas, for both residents of the proposed development and existing residents in the adjacent areas. However, as noted, these access points are all described as serving pedestrians only, whereas the NTA would recommend that the access points and the internal routes that serve them should be designed to accommodate both walking and cycling, i.e. all openings and routes should be of sufficient width and provide adequate sight lines and security for all users.

Recommendation: The NTA recommends that the proposed access points on the site boundary should be provided in the event of a grant of planning permission, and should accommodate both walking and cycling.

Design of Access Route

The NTA submits that, as designed, the cross section of the access road requires further consideration. If it is intended to provide a two-way track, the eastern and western ends should provide for safe passage of cyclists that minimise conflict with pedestrians and traffic, and the facility should be a minimum of 3.0m wide. However, in light of the existing cycle infrastructure on Wyckham Place/Avenue, the NTA recommends that segregated, with-flow cycle tracks on each side of the access route should be provided, and should be designed in accordance with the guidance contained in the National Cycle Manual.

10.0 Assessment

10.0.1 I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Dun Laoghaire Rathdown County Development Plan 2016; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations; together with the planning history of the site and wider area. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle and Quantum of Proposed Build-to-Rent Development
- Institutional Designation & Demand for Alternative Institutional Uses/Open Space/Open Character/Density/Masterplan
- Design Approach/Height/Material Contravention
- Unit Size/Floor to Ceiling Heights/Aspect and PA Recommendation/Connectivity
- Visual Amenity
- Residential Amenity

- Traffic and Transportation including Parking/ Planning Authority Recommended Refusal Reason/Material Contravention
- Drainage and Flood Risk
- Other Matters
- Material Contraventions/PA Report
- Appropriate Assessment
- Environmental Impact Assessment

10.O.2 The attention of the Bord is drawn to the fact that a Material Contravention Statement has been submitted with the application. It deals with the matters of (i) Zoning (ii) 'INST' (Institutional) designation and open space requirements (ii) 'INST' (Institutional) designation and density (iv) Building height. I shall deal with each of the matters individually below, but as a summary I consider that the only matter addressed in the Material Contravention Statement above which represents a material contravention of the operative County Development Plan relates to building height. I am also of the opinion that the proposal also materially contravenes Policy RES5 and section 8.2.3.4(xi) of the CDP in relation to the open character of the lands being retained. I highlight to the Bord that this matter has not been dealt with in the submitted Material Contravention Statement and shall be dealt with further below.

10.1 Principle and Quantum of Proposed Build-to-Rent Development

10.1.1 Having regard to the nature and scale of development proposed, namely an application for 628 residential units located on lands which are located within the zoning objective 'A', in which residential development is 'permitted in principle', I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.1.2 It is noted that there is an 'INST' designation on the Gort Muire lands. I am of the opinion that the proposal is acceptable in principle with the zoning objective and while the institutional land designation is noted, it does not override the underlying residential zoning objective. I note a recent High Court judgement in this regard within same administrative area, Michael Redmond v An Bord Pleanála (Judicial

Review 2019 No. 709 J.R.). The planning authority considers that the proposal represents a material contravention of the operative County Development Plan in relation to zoning (Reason for Refusal No. 2). I do not agree with this assertion. The applicant has addressed this matter in the submitted Material Contravention Statement and I would concur with the applicant that the proposal does not represent a material contravention in respect of the zoning. I shall deal further with the matter of the 'INST' in the following section and the matters addressed in the submitted Material Contravention Statement.

10.1.3 I note the policies and objectives within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development within the existing urban envelope. It is recognised that a significant and sustained increase in housing output and apartment type development is necessary. It recognises that at a metropolitan scale, this will require focus on underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development.

10.1.4 Dundrum is designated a Major Centre in the Metropolitan Area within the Core Strategy of the operative County Development Plan. Dundrum and Dun Laoghaire are the only two centres with such a designation in the County. I am of the opinion that given its residential zoning, the delivery of residential development on this prime site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness. I therefore consider the proposal to be acceptable in principle. The planning authority concurs that the proposed development is acceptable in principle, subject to assessment of other matters.

Build-to-Rent

10.1.5 The attention of the Bord is drawn to the fact that this is a Build to Rent Scheme. Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments,

2018 provides guidance on Build-to-Rent (BRT) and Shared Accommodation sectors. The guidelines define BTR as *"purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord"*. These schemes have specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity. A rationale for the proposed Build-to-Rent development is included within the submitted Planning Report and within the 'Demand, Operations and Resident Amenity Overview'. The rationale within both these reports appears reasonable. Given the locational context of the site, close to Dundrum town centre, Sandyford Business Park and proximate to good public transport facilities, I am satisfied that a Built to Rent scheme is suitable and justifiable at this location. The proposal will provide a viable housing solution to households where home-ownership may not be a priority. The residential type and tenure provides a greater choice for people in the rental sector, one of the pillars of Rebuilding Ireland.

10.1.6 I refer the Bord to the provisions of Specific Planning Policy Requirement 7 which provides that:

BTR development must be:

- (a) Described in the public notices associated with a planning application specifically as a 'Build-to-Rent' housing development that unambiguously categorises the project (or part thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period:*
- (b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:*

(i) Residential support facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

(ii) Residential Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

The public notices refer to the scheme as 'Build-to-Rent' and a draft deed of covenant indicates that the applicant is willing to accept a condition requiring that the residential units remain in use as BTR accommodation, that the developer agrees with the County Council to restrict and regulate the development for a period of 15 years from the date of grant of permission. The planning authority have recommended in the conditions attached to their Opinion that the 15 years should commence from the date of first occupation of the units. I would agree with this assertion. The matter could be adequately dealt with by means of condition.

10.1.7 In terms of resident support facilities and resident services and amenities, I note that the proposal includes for a wide range of residential amenity facilities (stated area of 3897 square metres), which include for co-working spaces (877m²), games room (243m²), cinema (132m²) and lounge (52m²) amongst other facilities. The majority of these are located within Block B, while other facilities are also located within some of the other blocks. A 'Demand, Operations & Resident Amenity Overview' has been submitted in this regard. I would concur with the planning authority that this document reads as a general overview document rather than providing specific details on this proposal. Notwithstanding this, I am of the opinion that the range of resident support facilities proposed is extensive and would adequately cater for the proposed population mix within the scheme. I would concur with the planning authority that the resident support facilities proposed meets the suggested uses as set out in SPPR8. I note that no laundry facilities are proposed, this matter could be adequately dealt with by means of condition. The submission of a management plan for the proposed resident facilities, which includes for hours of operation, could be dealt with by means of condition.

10.1.8 SPPR 8 sets out proposals that qualify as specific BTR development in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply and therefore the units mix is considered acceptable, including the extent of one bed units (see further assessment below under Quantum of Build-to-Rent Units). Flexibility also applies, as set out in Appendix 1, in relation to the provision of a proportion of the storage and private amenity spaces associated with individual units, together with the provision of communal amenity space, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. The proposal in this instance seeks minimal relaxations in residential amenity standards, with all units generally consistent with the requirements of the Apartment Guidelines. I consider that any subsequent extension of use of the subject accommodation as BTR beyond the 15 years should be agreed with the planning authority prior to the expiration of the covenant, or any proposal to alter the tenancy type should be subject to a further planning application so as to allow further assessment of residential amenity associated with the subject units or suitability of the scheme for any other purpose that maybe proposed in the future.

Quantum of Build-to-Rent Units

10.1.9 Both the planning authority and many of the submissions received raise concerns regarding the build-to-rent nature of the development; the weighting in favour in smaller units and the proposal having the potential to lead to the creation of a transient community. Given the locational context of the site, I have no information before me to believe that adequate services, amenities and public transport do not exist in the wider area to cater for the development proposed. The extent of residential support facilities proposed is also noted. The site is considered to be located in a central and accessible location, close to good public transport in an existing serviced area. The proposal serves to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community. The proportion of existing build-to-rent in the immediate area would be marginal compared with other tenure of development, in particular when compared with three and four bed dwelling houses.

10.1.10 The planning authority have raised concerns in relation to the mix of units proposed,

in particular the small proportion of three-bed units. While the proposal meets the requirements of SPPR8, they consider that the development is not family friendly. They also highlight the layout of many units with a high number of en-suite bathrooms and no family bathroom. To this end, the issue of mix forms one of their recommended reasons for refusal. Their seventh reason for refusal states that the proposed mix of units...is not appropriate for the site's context, which is currently weighted towards smaller type units ...is contrary to CDP Sustainable Communities Strategy. While this opinion is noted, I am of the opinion that the vast bulk of residential development within this area, traditionally comprised of family dwellings, suburban three and four bed properties with front and rear gardens. I am of the opinion that this cohort of the population has traditionally been well catered for, some would argue to the exclusion of those with differing circumstances requiring smaller units. I am of the opinion that a development of the mix proposed would aid in addressing this imbalance and would cater to those not requiring a three or four bed house with front and rear garden. The proposal will provide a viable housing solution to households where home-ownership may not be a priority. The residential type and tenure provides a greater choice for people in the rental sector, one of the pillars of Rebuilding Ireland. Having regard to section 3.2 of the Urban Development and Building Height Guidelines, 2018, at the scale of district/neighbourhood/street, I consider that the proposal positively contributes to the mix of uses and/or building/dwelling typologies available in the neighbourhood. I have no information to believe that the residents of the proposed development would not become a positive addition to the community at this location. I am satisfied in this regard.

10.2 Institutional Designation & Demand for Alternative Institutional Uses/Open Space/Open Character/Density/Masterplan

Context

- 10.2.1 The lands at Gort Muire have an 'INST' symbol which is listed on the Map Index under 'Other Objectives' and is separate to the 'Use Zoning Objectives'. This 'INST' reference is an abbreviation for 'Institutional Lands' designation. The 'INST' designation seeks 'to protect and/or provide for Institutional Use in open lands'.

10.2.2 From an examination of the operative County Development Plan, it is my opinion that the main elements of the institutional designation may be summarised as follows and I shall deal with each separately below:

- Is there a demand for an alternative institutional use
- 'INST' designation and open space requirements- open space requirement of 25% of total site area
- Open character and/or recreational amenity being retained
- Average net densities of 35-50, with certain instances where higher densities will be allowed
- Submission of masterplan

10.2.3 I am of the opinion that the institutional designation applies to the entirety of the lands that was in the ownership of the religious congregation as of the date of the adoption of the 2016-22 County Development Plan (March 2016) and that the subsequent transfer of land subject to the 'INST' designation to a non-institutional third party did not relieve the lands sold of that designation as adopted under the Development Plan. Having regard to this, the applicants in this current application accept in their Material Contravention Statement that the current application site - comprising lands formerly part of the Carmelite Centre in Gort Muire – is also subject to the institutional land designation applicable to the Carmelite Centre. I would concur with the applicants in this regard.

Demand for alternative institutional use

10.2.4 Policy RES5 of the operative County Development Plan states that 'the Council will endeavour to reserve the use of the lands for other institutional uses, especially if the site has an open and landscaped setting and recreational amenities are provided. Where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses, subject to the zoning objectives of the area and the open character of the lands being retained'. Section 8.2.3.4(xi) is noted which states that where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the area's zoning objectives and the open character of the lands being retained.

10.2.5 With regards demand for an alternative institutional use, it is stated in the documentation that the application site was previously owned by the Carmelite Order but was sold to the applicant in 2019. It is further stated that when owned by the Carmelite Order, the site remained as a fenced off, agricultural field during that time and was never formally landscaped as part of the attendant grounds of the main complex of buildings. Equally it never formed part of the formal recreational amenity area for the Carmelite Centre. It is clear from reading this that the subject site never formed part of the recreational amenity of the area. This remains the case today and the character of the lands, as observed during my site visit, was as an overgrown field, visually and physically separate to the landscaped grounds associated with Gort Muire. Presumably, the lands in question were surplus to the requirements of the Carmelite Order, when they decided to sell it in 2019 and it can be reasonably inferred from this that there was no demand for an alternative institutional use being evident or foreseen. I am therefore satisfied in principle with its appropriate development.

'INST' designation and open space requirements/Material Contravention

10.2.6 Sections 2.1.3.5 and 8.2.3.4(xi) of the operative County Development Plan state that 'A minimum open space provision of 25% of the total site area (or a population based provision in accordance with Section 8.2.8.2 whichever is the greater) will be required on Institutional Lands'. I note that the operative County Development Plan refers to "open space" as comprising public and/or communal open space. The applicants have addressed this matter in their Material Contravention Statement. The applicants contend that the net open space provision (i.e. the public and communal open spaces (at grade) minus the pedestrian parades) represents 37% of the net application site area. These open spaces include the Marmalade Triangle at the heart of the site and a number of other open spaces dispersed throughout the development. The applicants is referring to a recent High Court judgement, it was considered that the reference to "total site area" in the Development Plan was intended to refer to the overall institutional lands, and not just the application (red line) site. The remainder of the Carmelite Centre lands at Gort Muire that are also subject to the 'INST' designation are identified in blue on the Site Location Map submitted with the application. The Carmelite Centre includes extensive formal and natural landscaped grounds, stated to extend to over 1 hectare in extent. The

applicants continue that taking the open space associated with the Carmelite Centre, 42% of the overall lands are to be landscaped open space which far exceeds the 25% standard in the Development Plan. They conclude by stating that it is considered that the proposed development does not materially contravene the Development Plan in relation to the provision of open space on lands subject to the 'INST' designation. I would concur that the proposal does not represent a material contravention in this regard and I consider that the proposal meets the Development Plan requirement of 25% open space. The quality of these spaces is a separate matter and shall be dealt with below.

- 10.2.7 To conclude this point, I note that the planning authority considers that this element of the proposal, namely the quantum of open space being provided, materially contravenes Policy RES5 and section 8.2.3.4 (xi) of the operative County Development Plan. The applicants have addressed the matter in their submitted Material Contravention Statement and do not consider it to materially contravene the operative CDP for the reasons cited above. I would concur with the applicants in this regard. I consider that the proposal does not represent a material contravention in relation to quantum of open space proposed and that the proposal meets the Development Plan requirement of 25% open space. However, since the applicant has addressed the matter in the Material Contravention Statement and taking a precautionary approach, I consider that it may be prudent for the Bord to invoke section 37(2)(b) of the Planning and Development Act 2000, as amended, in relation to this matter, if they are considering a grant of permission.

Open character of lands and/or recreational amenity being retained

- 10.2.8 With regards the open character of the lands and/or recreational amenity being retained, Policy RES5: Institutional Lands of the operative County Development Plan states that 'Where distinct parcels of land are in institutional use (such as education, residential or other such uses) are proposed for redevelopment, it is Council policy to retain the open character and/or recreational amenity of these lands wherever possible, subject to the context of the quantity of provision of existing open space in the general environs'.
- 10.2.9 In this instance, the lands would appear to have historically offered very little in the way of recreational amenity. They were in agricultural use until recently, fenced off

from the general public. This remains the case today. I am satisfied that the development of these lands would not result in any net loss of recreational amenity for the wider area.

10.2.10 The question therefore arises as to whether the open character of the lands is being retained in this proposal. I note RES5 in this regard which states that 'A minimum open space provision of 25% of the total site area (or a population based provision in accordance with Section 8.2.8.2 whichever is the greater) will be required on Institutional Lands. This provision must be sufficient to maintain the open character of the site with development proposals structured around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council (Refer also to Section 8.2.3.4(xi) and 8.2.8)'. This point is reiterated again in section 8.2.3.4(xi) of the operative County Development Plan. It is the opinion of the planning authority, as contained in the Chief Executive Report that the proposed development fails in this regard to respond to the institutional designation that applies to the lands and as per their refusal reason No. 4, they consider that the proposal represents a material contravention of the operative County Development Plan in this regard.

10.2.11 In terms of open space provision, as stated above, I am of the opinion that the 25% requirement of open space is being achieved in quantitative terms. I note the following. Marmalade Triangle is the main area of open space, centrally located. The Promenade is located between Blocks C and B and I would concur with the planning authority when they state that it appears to have little amenity value other than landscaping as most of the area is occupied by bicycle parking and a paved access to the MUGA. I too would question its usability due to these reasons and the fact that it is located between two large blocks. The woodland area to the rear of Block C includes for a perimeter walkway, with trees and planting. In essence, it is my opinion (and also that of the planning authority) that the main function of this area is to act as a buffer between the proposed development and neighbouring properties at Parkvale. The same may be said of the spaces to the north-west of the Blocks E, F and G which are residual in nature, essentially acting as a buffer between the proposed development and Gort Muire. The areas of open space to the south of Block D (within the red line boundary) is residual in nature and of limited amenity value while the open space to the south-west of Block G is isolated in nature and

removed from the bulk of the proposed scheme. It too could be considered to be residual in nature. In terms of communal open space, three roof gardens are proposed (to Blocks A, C and D) with the remainder at surface (grade) level.

10.2.12 Having regard to all of the above, I am satisfied that the proposal meets the quantum of open space required under the Development Plan, namely 25% open space, in particular when the wider landholding of Gort Muire is included in the calculations. I concur with the applicants that the proposal is not a material contravention of the operative County Development Plan in this regard. However, notwithstanding this, I concur with the planning authority in relation to the quality of the public/communal open space provision and I too consider that, as proposed it will not provide a high level of residential amenity for future or existing residents, contrary to the site's zoning objective. I have serious reservations in this regard and I consider that the open character of the lands is not being retained in this instance. While I concur with the applicants that lands surrounding the Carmelite Centre are retaining their open nature/character, I consider, that as has been forward in other elements of the documentation submitted, the open space provision associated with the Gort Muire does not read as part of this development. They read as two separate sites. They are two separate sites. It appears to me that the lands associated with the Gort Muire house are not available for use by the wider public. I therefore consider that the open character also needs to be retained on these lands within the red line boundary and this is not currently being achieved.

10.2.13 Overall and notwithstanding the open nature of the lands surrounding the Carmelite Centre, I am not satisfied that the open nature of these institutional lands is being sufficiently retained. I consider that the proposal represents a material contravention of the operative County Development Plan in this regard, with reference to Policy RES5 and section 8.2.3.4(xi). Given the institutional designation of the lands and the desire to retain its open character, I would have anticipated that the proposed blocks would have been laid out as secondary to the open space provision, providing a type of parkland type setting that has been successfully achieved elsewhere on such institutional lands. I am of the opinion that this rationale/design strategy has not informed the layout in this instance, and while I acknowledge site economics, I do note that this is not a planning issue. The fact remains that the 'INST' designation is a significant constraint on the site and it has not been appropriately addressed, in my

mind, in terms of retaining the open setting/character of the lands. The removal of some mature trees from the site is regrettable and unwelcome, in particular given the fact that there is an objective to preserve trees and woodland on the lands. The Parks Department have expressed concerns regarding the planting of new, young trees on the site, which distorts the picture in terms of figures/percentage of tree removal being undertaken. The majority of remaining trees are being retained however, reinforced with further planting/landscaping and I am generally satisfied in this regard. I acknowledge that the idea of 'open character' is subjective and means different things to different people. The site contains seven substantial blocks, each with a relatively large footprint. Marmalade Triangle is the main area of open space proposed and in my opinion, the remainder of the spaces could be considered to be piecemeal and residual in nature; are open space by virtue of the need to provide a buffer with existing residential properties/Protected Structure and their amenity value is questioned. The open space provision as currently proposed does not contribute to the open character of the site being retained. The footprint of the proposal needs to be reduced in my opinion. I would agree with the planning authority that the omission of Block D would aid in the retention of the open character. I am also of the opinion that the omission of Block E and an increase in separation distances between Blocks F and G would further aid in retaining this open character and would provide a greater visual connection, together with a greater sense of openness.

10.2.14 To conclude this point, I note that the planning authority considers, as set out in refusal reason No. 4, that the proposed development fails to maintain the open character of these lands, materially contravening Policy RES5 and section 8.2.3.4(xi) of the operative County Development Plan. I would concur with the planning authority in this regard and I consider the proposal materially contravenes Policy RES5 and section 8.2.3.4(xi) of the operative CDP in relation to retaining the open character of the lands. The attention of the Bord is drawn to the fact that the applicant has not addressed the matter of retaining the open character of the lands, in the context of section 37(2)(b) within the submitted Material Contravention Statement and therefore it may be problematic for the Bord to invoke section 37(2)(b) of the of the Planning and Development Act 2000, as amended, in this regard.

Density

10.2.15 The operative County Development Plan recognises that higher densities should be provided in appropriate locations. Section 8.2.3.2 recognises that minimum residential densities should be 35 dwellings per hectare and that significant parts of the existing built-up area of the County are, however, readily accessible to public transport corridors – QBCs, Luas, DART. In these circumstances Government guidance is to provide densities at higher than 50 dwellings per hectare. I would consider that this site is readily accessible to a public transport corridor, being approximately 1km from the Green LUAS line at Balally. Specifically in relation to the development of Institutional Lands, I note Policy RES5 of the Plan states that *‘In the development of such lands, average net densities should be in the region of 35 - 50 units p/ha. In certain instances higher densities will be allowed where it is demonstrated that they can contribute towards the objective of retaining the open character and/or recreational amenities of the lands’*.

10.2.16 The density proposed in this instance is 180 units/ha (nett). The applicants have addressed the matter of density in their Material Contravention Statement and while they do not state that the proposal represents a material contravention in this regard, they do state that considered against Policy RES5 in isolation the proposed density could be considered a material contravention of the Development Plan. However, as justification for same they refer to RES3 of the County Development Plan which states that: “It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.” The policy goes on to state: “Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.” The planning authority in their Chief Executive Report acknowledge this policy, at both national and local level, which seeks to encourage development in key locations particularly around public transport nodes while the NPF seeks to deliver on compact urban growth. The planning authority continue by acknowledging RES3 and the fact that the subject site does have the ability to provide a higher density of development. They highlight however,

that RES5 pertains to this site, which they contend seeks to create a balance between developing the lands whilst at the same time retaining its open character/recreational amenity. They state that higher densities in excess of 50 units/ha could be acceptable in principle on the lands, however the proposed development at 180 units/ha is at the very least indicative of overdevelopment. They do not state that the proposal represents a material contravention of the operative County Development Plan.

10.2.17 Taken in isolation, I would not be unduly concerned with a density of 180 units/ha, as proposed, given the locational context of the site close to the services and facilities of Dundrum town centre, Sandyford Business Park and relatively close to good public transport links. Both local and national policy seeks to encourage development at key locations particularly close to public transport nodes. The policies and objectives of the NPF are noted in relation to the delivery of compact urban growth at appropriate locations. I also note the densities of recently permitted developments in the wider area.

10.2.18 However, the 'INST' designation applies in this instance and this requires consideration. I do not consider the proposal to be a material contravention of the operative County Development Plan in relation to density. I concur with the applicant when they state that issues of density and height are inextricably linked. However in this instance, I consider that the density proposed does not represent a material contravention of the CDP while I consider that the matter of height does represent a material contravention of the CDP (see below). I again reiterate that the planning authority do not state that the proposal represents a material contravention in relation to density. I note that Policy RES5 allows for densities higher than 35-50 units/ha in circumstances where the open character of the lands is being retained. I again would not be unduly concerned with a density such as that proposed on lands with 'INST' designation, if the open character of the lands were being retained and a quality development was proposed in terms of residential amenity. As proposed, I consider that this open character is not being retained and that the density proposed, as part of the overall considerations, represents overdevelopment of this site and I would concur with the planning authority in this regard.

10.2.19 To conclude this point, I note that the matter of density has been addressed in the submitted Material Contravention Statement, although the applicants do not state

that the proposal represents a material contravention in this regard. The planning authority have not stated that the proposal represents a material contravention in relation to density. I also consider that the proposal does not represent a material contravention in relation to density. The matter of density has been raised by third parties. As a precautionary approach and as the applicant has addressed the matter of density in the Material Contravention Statement, I recommend that the Bord may wish to invoke section 37(2)(b) of the of the Planning and Development Act 2000, as amended, in particular section 37(2)(b)(i) and (ii), due to strategic nature of application and conflicting policies within the operative County Development Plan.

Masterplan

10.2.20 Section 8.2.3.4(xi) of the operative County Development Plan further states that *'In order to promote a high standard of development a comprehensive masterplan should accompany a planning application for institutional sites. Such a masterplan must adequately take account of the built heritage and natural assets of a site and established recreational use patterns. Public access to all or some of the lands may be required. Every planning application lodged on institutional lands shall clearly demonstrate how they conform with the agreed masterplan for the overall site. Should any proposed development deviate from the agreed masterplan then a revised masterplan shall be agreed with the Planning Authority'*. I acknowledge that a significant amount of information has been submitted with the application and that much of the information to be contained in any such masterplan, detailed above, is included in many aspects of the submitted documentation including the 'Design Statement', 'Landscape Design Statement' and many elements of the submitted EIAR. However the attention of the Bord is drawn to the fact that no such masterplan document has been submitted with the application nor has the lack of such a document been addressed within the Material Contravention Statement. As a result of the lack of such a masterplan, no details have been submitted showing how the proposal conforms with any such masterplan. Public access is not being shown to the remaining lands and I noted a sign on my site visit, which referred to the remaining Gort Muire lands being 'private property'. This lack of a masterplan is an omission in the application documentation and I again draw the attention of the Bord to same.

10.2.21 To conclude this point, I consider that while the lack of a masterplan may be a contravention of the operative County Development Plan, I consider that it does not represent a material contravention of the said Plan. I note the wording of 8.2.3.4(xi) of the Plan which states that a masterplan 'should accompany a planning application for institutional sites' (my underlining). It does not state 'shall' accompany a planning application for institutional lands. The planning authority have not stated that this matter represents a material contravention of the Plan. However, if the Bord disagrees in this regard, I draw their attention to the fact that the matter of a masterplan has not been addressed in the submitted Material Contravention Statement and therefore the Bord may find it difficult to address the matter under section 37(2)(b) of the Planning and Development Act 2000, as amended.

10.3 Design Approach/Height/Material Contravention

Design Approach

- 10.3.1 The proposal provides for 628 residential units in seven blocks, ranging in height up to nine storeys. The seven blocks are arranged around a number of courtyards, with one main area of open space, Marmalade Triangle. Vehicular movements are restricted, basement parking is proposed under Block B. The water tower within the adjacent Gort Muire complex will provide an attractive entrance to the site (although not included within the red line boundary). The ground floor level of Block B accommodates many of the resident support facilities, and this area is entirely active leading to an attractive environment as one enters the main area of the site. The planning authority state that they have no issue with the overall design approach, their concerns relate to overall scale, bulk and massing, together with matters of connectivity, open space quality and quantity.
- 10.3.2 Many of the submissions received refer to this as a backland site, inappropriate for development. I agree that the site may be considered as backland in nature, in that it has no direct frontage onto the public realm (aside from the entrance driveway). It is also surrounded on many sides by development, including residential, educational, recreational and institutional uses. However, I do not consider this to be an issue. This is a relatively sizeable parcel of zoned, serviceable land within an established urban area. It has the potential to create its own character and to create linkages to the surrounding areas. The site is within walking distance of Dundrum, which is

designated as a Major Centre in the Metropolitan Area. Having regard to section 3.2 of the Urban Development and Building Height Guidelines, 2018, I note that at the scale of the relevant city/town, the site is within walking distance of high capacity public transport and frequent bus service.

- 10.3.3 The proposed design approach is contemporary in nature and a limited palette of materials is proposed, providing visual continuity between the blocks. A high quality proposal is put forward in this regard. Elements including extensive glazing, atriums and green walls are noted and all add to the quality of the proposal. I am generally satisfied in this regard.
- 10.3.4 Notwithstanding the concerns I have in relation to this current proposal, I am of the opinion that the appropriate redevelopment of this site is to be welcomed in principle. I note the report of the Department of Tourism, Culture Arts, Gaeltacht, Sport and Media in this regard which states that it is considered that the proposed layout responds to the formal arrangement of the earlier linear structures, in its overall plan arrangement and that the setting of the larger block to one side is largely positive. The proposed layout provides a sequence of spaces extending from the old to the new and maintains permeability through the site. I would query the extent of permeability and will deal with this matter further below.

Height

- 10.3.5 The proposal ranges in height from 3-9 storeys over basement level. The planning authority state that all but two blocks (A and G) exceed the Building Height Strategy, as set out in Appendix 9 of the operative CDP, of 6 storeys. The remaining blocks vary in height from 7 to 9 storeys. I note that most blocks have varying heights, stepping down closest to boundaries. I also note the level changes across the site. The planning authority contend that the height as proposed materially contravenes the building height objectives of the County Development Plan. They acknowledge the height of the surrounding residential development at Wyckham Point which rises to eight storeys, the recently permitted 6 storey Walled Garden development and the two-storey/single storey residential properties adjacent to the site.

Material Contravention in relation to Height

- 10.3.6 The applicants acknowledge that the proposed development materially contravenes the operative County Development Plan in relation to height and has set out a

justification for same in their Material Contravention Statement, referencing national policy in this regard. The planning authority do not agree with the applicant's interpretation that the proposal responds well at the scale of district/neighbourhood. They contend that the proposed seven blocks fail to respond to its overall natural and built environment by way of its overall scale, height and massing of the blocks, set within a site of varying levels. The planning authority considers that the applicant has not demonstrated to their satisfaction that the proposed building heights are appropriate at this location and they consider the proposal to therefore contravene both local and national policy.

10.3.7 I note the locational context of the site, in an area acknowledged to be one which is transitional in nature moving from a low density, two-storey suburban area to a more urban area with a mix of heights and densities. This is typified by the Wyckham Place and Wyckham Point apartment developments to the north-west of the application site which range from 5 – 8 storeys in height, the recently permitted walled garden site with a height of six storeys and the development at and in the vicinity of Dundrum Town Centre and Balally Luas stop, a relatively short distance from the application site.

10.3.8 I note Appendix 9 of the operative County Development Plan that sets out the Building Height Strategy for the county. This allows for a height of 3-4 storeys for apartment development on large redevelopment sites. This would be considered one such large redevelopment site. I note that Appendix 9 of the operative CDP also references that the development of larger greenfield sites, including those in Dundrum may be appropriate areas for increased height. They also state that development of such sites is guided by some form of masterplan and I again draw the attention of the Bord that no masterplan has been submitted with the documentation submitted. The CDP acknowledges that there are instances where upward or downward modifiers may be applied by up to two floors. In this instance, the site area is in excess of 0.5 hectares, thereby able to create its own character/context, an important historic site is being retained adjacent and the location and scale of existing/permitted buildings in the vicinity would allow the recommended height to be exceeded with little or no demonstrable impact on its surrounds. It is therefore considered that the Upward Modifiers have been met for the proposed 6 storey blocks.

10.3.9 I am of the opinion that the remaining five blocks, ranging in height from 7-9 storeys represent a material contravention of the operative County Development Plan. As has been stated above, a Material Contravention Statement has been submitted with the application and the applicants have advertised same within their public notices, as required under the legislation. This Statement deals with, amongst other items, the issue of height. Under the Planning and Development Act 2000, it is open to the Bord to grant permission in the following four circumstances. These circumstances, outlined in Section 37(2)(b), are in the (i) national, strategic interest; (ii) conflicting objectives in the development plan or objectives are not clearly stated (iii) conflict with national/regional policy and section 28 guidelines; and (iv) the pattern of development and permissions granted in the vicinity since the adoption of the development plan.

10.3.10 I am of the opinion that a grant of permission that would materially contravene Appendix 9 of the Dun Laoghaire Rathdown County Development Plan 2016-2022, which applies to the site, would be justified in accordance with sections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, on the following basis.

10.3.11 In terms of section 37(2)(b)(i), I note that the current application, which provides for 628 residential units, has been lodged under the strategic housing legislation and is considered to be strategic in nature. I also note the potential of the proposal to contribute to the achievement of the Government policy to increase the delivery of housing from its current under supply set out in Rebuilding Ireland- Action Plan for Housing and Homelessness, issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban location close to public transport and centres of employment. I consider that the proposal will aid in addressing housing shortages in the principal urban areas, which has been highlighted in the national, regional and local planning policy context.

10.3.12 In relation to section 37(2)(b)(iii), I note the Building Heights Guidelines for Planning Authorities (December 2018), which provides a policy basis for increased building heights at appropriate locations. Specific Planning Policy Requirement SPPR 3A of the Guidelines provide that permission can be granted where the height of a proposed development is not consistent with a statutory development plan in circumstances where the planning authority is satisfied that the performance criteria

specified in the Guidelines are met. I have had particular regard in assessing this proposal to these development management criteria, as set out in section 3.2 of these Guidelines, which states that the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála that the proposed development satisfies criteria at the scale of relevant city/town; at the scale of district/neighbourhood/street; at the scale of site/building, in addition to specific assessments. To avoid repetition, I shall visit many of the points raised in section 3.2 of the Guidelines elsewhere in this assessment. Where appropriate I shall cross-reference back to this section.

- 10.3.13 The National Planning Framework – Ireland 2040 fully supports the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I note Objectives 13 and 35 of the NPF in this regard. Objective 13 states that 'In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected'. Objective 35 promotes an 'Increase residential density in settlement, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'. I consider this to be one such suitable site.
- 10.3.15 To conclude this point, I draw the attention of the Bord to the fact that the applicant considers the proposal to represent a material contravention in relation to height and has, in my opinion, adequately addressed the matter within the submitted Material Contravention Statement. The planning authority also considers the proposal to present a material contravention of the operative County Development Plan in relation to height. I too consider that the proposal represents a material contravention in relation to height. Having regard to all of the above, I am satisfied in this regard and I consider that it is open to the Bord to grant of permission in this instance and invoke section 37(2)(b) of the of the Planning and Development Act 2000, as amended, in particular section 37(2)(b)(i) and (iii), due to strategic nature of application and national policy guidance in this regard.

Conclusion

10.3.14 In my opinion, the issues of height, density, scale and massing of the proposal are inter-related. It is the sum of all these parts that, amongst other assessments, determines the appropriateness or otherwise of the proposal. While I do not have issue with the overall height of the proposal per se, I do have reservations that the proposal before me represents overdevelopment of the site and requires amendment to constitute an appropriate form of development. As shall be dealt with further below, I am of the opinion that the lack of appropriate transitions in scale, to both the domestic scale dwellings and the Protected Structure raises concerns for me in relation to the height proposed. The proposal is considered not to be in compliance with Criteria No. 1 of the Urban Design Manual 'Context'. The development does not seem to have evolved naturally as part of its surroundings. I would question whether the proposal respects the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring users and I consider that the development does not positively contribute to the character and identity of the neighbourhood. I have stated my concerns with regards retaining the open character of these institutional lands above and this too is inter-related in this instance. I am of the opinion that the overall footprint of the development requires reduction so as to aid in retaining the open character of the lands, aiding compliance with the 'INST' designation, providing a development more appropriate to this location. I consider that the proposal before me is excessive in terms of scale, massing and lack of adequate transitions in heights and because of the 'INST' designation of the site, I am of the opinion that the site does not have the capacity to accommodate a development of the scale proposed. While the scheme itself, as proposed, represents a quality design and finish, I consider that as proposed it represents overdevelopment of this site. I will deal further with these issues in the following sections.

10.4 Unit Size/Floor to Ceiling Heights/Aspect and PA recommendation/Connectivity

Unit Size/Floor to Ceiling Heights

- 10.4.1 The proposal meets the requirements of SPPR3 and SPPR5 of the aforementioned Apartment Guidelines 2018 in relation to minimum apartment floor areas and floor to ceiling heights.

Aspect and PA recommendation

- 10.4.2 The planning authority recommends refusal of permission on the basis of the quantum of dual aspect units proposed and states that the proposed development would fail to provide an adequate level of residential amenity for future occupants of the scheme and would be contrary to the proper planning and sustainable development of the area. The planning authority is of the opinion that this to be a suburban or intermediate area and on that basis, considers that 50% of units proposed should be dual aspect. The applicant states in the submitted documentation that 59% of the proposed apartments are dual aspect. In this regard, I note Specific Planning Policy Requirement 4 (SPPR4) of the aforementioned Apartment Guidelines, which state that:

'In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

- (i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.*
- (ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.*
- (iii) For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects'.*

10.4.3 In relation to the percentage of dual aspect units required, as per SPPR4, I note the requirement of either 33% or 50% depending on locational context and site characteristics. The aforementioned Apartment Guidelines state that *'larger apartment developments on greenfield or standalone brownfield regeneration sites where requirements like street frontage are less onerous, it is an objective that there shall be a minimum of 50% dual aspect apartments'*. The 33% requirement applies to *'more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate'*. I draw the attention of the Bord to the fact that these are minimum standards. This is a large apartment development, in excess of 600 units on a greenfield site (in excess of 4 hectares gross), where the issue of street frontage does not apply. While the sensitivities of both the adjoining residential properties and the Protected Structure are acknowledged, I consider that similar sensitivities apply to many such sites and there is nothing exceptional in this. There would generally be a presumption in favour in the 50% requirement, given such circumstances. However, in this particular instance, the site is accessible due to its locational context in proximity to the LUAS (approximately 1km distance) and a number of bus routes, both existing and planned. It is within walking distance of Dundrum, a designated Major Centre in the Metropolitan Area and is also close to a number of employment generating centres including Sandyford Business Park. It could be argued to be a central area. I therefore do not concur with the opinion of the planning authority in this instance and I consider that there is a requirement of 33% dual aspect units in this scheme.

10.4.4 The planning authority have raised concerns relation to the demarcation of some units as dual aspect when in fact they are single aspect and I would concur. Many units are demarcated as being dual aspect because of a reliance on a corner/bay window. Examples within Block A include Unit A00.04, Unit A01.05 and A01.04 while within Block B include B06.07 and B06.14. While neither the operative County Development Plan nor section 28 guidance offer a definition of 'dual aspect', the planning authority refers to a definition contained within the current Mayor of London's Draft London Plan that states *'A dual aspect dwelling is defined as one with openable windows on two external walls, which may be either on opposite sides of a dwelling or on adjacent sides of a dwelling where the external walls of a dwelling*

wrap around the corner of a building. The provision of a bay window does not constitute dual aspect'. While this refers to dwelling, the same may be said, in my mind, of an apartment unit. Many of the units referred to as dual aspect within the submitted documentation do not satisfy this definition and in my opinion, are single aspect units. I would concur with the planning authority that the stated 59% of units being dual aspect is not a true reflection of the actual numbers. The planning authority states that they do not accept dual bay windows as a means of satisfying dual aspect requirements of the Apartment Guidelines and I would concur. I

calculate the following:

Block	A	B	C	D	E	F	G	Total
Stated	42	86	50	51	54	42	14	369 (59%)
My Calcul	29	64	30	24	45	35	25	252 (40%)

I note a number of units in Block B would appear to be dual-aspect but were not demarcated as such on the submitted drawings. My calculations are based on the demarcated units only. By my calculation approximately 40% of the proposed units are dual aspect. Many of the units cited as being dual aspect are not maximising sunlight to the apartment given the limited scale of the window on a corner elevation, nor are they providing an opportunity for improved cross ventilation.

- 10.4.5 Having regard to all of the above, I am of the opinion that approximately 40% of the units proposed are dual aspect units. I am also of the opinion that given the locational context of the site, close to good public transport links, in walking distance of a designated Major Centre, close to a number of employment generating areas that the 33% requirement for dual aspect units applies in this instance and am satisfied with the quantum of approximately 40% provided.

Connectivity

- 10.4.6 It is noted that potential pedestrian routes are shown on the drawings through to the neighbouring Ballawley Park, to St. Tiernan's school, Greenmount Lane and through to Wesley Lawns, subject to agreement with relevant landowners. I would welcome

such connections in principle, considered to be in accordance with the criteria set out in the Urban Design Manual. However, this is a matter of serious concern for the local residents and has been raised as an issue in almost all of the submissions received. The likelihood of these connections coming to fruition in the short-term appears to be highly unlikely. In the absence of these links, the Balally LUAS line and Ballawley Park are a considerable further walk via Wyckham Way. I would concur with the planning authority that these can only be considered as potential future links, in the absence of such agreement.

10.4.7 The planning authority has raised serious concerns in relation to an area of land, triangular in shape, to the south of the subject site and north of Wesley Lawns. It would appear from conducting my site visit that this area forms part of the public open space associated with Ballawley Park, as the two amalgamate to form one larger area of open space. I am open to correction on this matter as it could have been part of the public open space provision associated with Wesley Lawns when the houses were constructed. In any event, this area has been demarcated in orange on the submitted drawings (outside of the red line boundary) and would appear central to providing links through to Ballawley Park from the proposed development site. The applicants are proposing works within this area, with the proposed Block D opening directly onto the space with no boundary between both properties. It will also aid substantially the amenity of the proposed units fronting onto it. The issue is that the applicants are incorporating this area of public open space into their development proposal, without the consent of the property owners. Pathways and landscaping are proposed within this area, however it is outside the red line boundary and cannot be included in any assessment. The land in question is stated to be in the ownership of the planning authority. The Parks Division of the planning authority state that while they can see the connectivity value of a pedestrian access into the triangular piece of open space, this access route would not be considered at present. It is unclear the reasoning for this, given that the lands are in public ownership and the provision of this pedestrian connection would be a significant benefit to the wider community. It has the support of the NTA, which also recommends cycle connections through this area. The planning authority state that such consent was sought from them, prior to lodging the planning application but the Council decided not to grant this consent. Again, it is unclear the reasoning for this.

Therefore, while links are shown on the submitted drawings, no agreement has been reached with the landowners and their deliverability is questionable- at best they are indicative only at the present time.

10.4.9 In terms of good planning practice, I would have no issue with the proposal in terms of the use of the triangular piece of open space, if consent was forthcoming from all parties. The elimination of boundaries and the amalgamation of spaces into a quality environment, which facilitates improved connectivity for all is to be welcomed but appears unlikely to be achieved in this instance. As existing, this area of the park has a sense of being residual in nature, is not well supervised as the existing houses gable onto it and in my opinion, it is not reaching its full potential. In principle, the works as proposed would enliven this space, which appears currently to be underutilised, to the benefit of all. However, this is not possible in the absence of consent from the relevant landowners. The planning authority contend that in the absence of these links the proposal is essentially a 628 unit development that is cut off from the surrounding area and any public open space would not be accessible to the wider public. Bearing in mind that the applicants approached the planning authority to agree the provision of links onto this publicly owned space and the planning authority refused this request, I question the planning authority now raising the issue of lack of accessibility and the proposal being cut-off from the wider area. Obviously, the lands would not be easily accessible to the wider public if neither the planning authority nor the residents are willing to give consent to open up the lands in question.

10.4.10 I am of the opinion that the matter should be explored further with the planning authority and other relevant landowners including the Department of Education and Skills, so as to ascertain whether such connectivity can be achieved. The lack of links through to Ballawley Park, a significant amenity in the area, is a real pity given its proximity. However, the applicant would appear to have made significant attempts to deal with the issue of connectivity and opening up links, all to no avail and therefore I consider that it would be inappropriate to refuse permission on this ground.

10.4.11 In addition to the above, the planning authority highlight that the Green Infrastructure Strategy (as set out in Map A14 of Appendix 14 of CDP) sets out existing and proposed cycle routes within the County, with a proposed link shown through the

subject site from Greenmount Lane to Ballawley Park, through the subject site. The planning authority state that this link is critical for the functioning of the wider area, yet they have not given consent to create it. It is a loss for the development proposed and for the wider area, however paths are shown up the boundaries and maybe such consent may be forthcoming at a later date. Having regard to all of the above, it is regrettable that links through to adjoining lands have not been achieved, although attempts have been made on the part of the applicant. I am not recommending a refusal of permission in this regard.

10.5 Visual Amenity

Planning Authority/Prescribed Bodies Recommendation/Report

- 10.5.1 The Bord is referred to section 10 Landscape and Visual of the submitted EIAR and my assessment of same. I note the concerns expressed by the planning authority, third parties including An Taisce and the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media in relation to this element of the proposed development. The planning authority are of the opinion that the contextual elevations show that the immediate surrounding area, which consists of two-storey properties and open space are dwarfed by the proposed development. Their first recommended reason for refusal states that the height of the proposed development would seriously detract from the visual and residential amenities of property in the vicinity. Their third reason for refusal states that the proposed development by reason of its scale, height, dominant form and insufficient transition provision would seriously detract from and be detrimental to the character of the surrounding area and would significantly compromise the amenities of institutional, recreational, educational, educational and residential property. I also note the report of the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media in this regard. They also raise concerns regarding the impacts of the proposal on view of the Dublin Mountains. I am satisfied that any impacts on these views would not be so great as to warrant a refusal of permission. There are no Protected Views in the vicinity of the site and I am of the opinion that views are fleeting depending on one's location, ever-changing and this is to be anticipated in such an urban environment.
- 10.5.2 As stated above, I have concerns regarding the scale and massing of the development and as proposed, I consider that it represents overdevelopment of the

site. It is my opinion that its impacts on the visual amenities of the area are such that the development as proposed warrants a refusal in permission. The scale and massing is such that it would be excessively dominant at this location and would have negative impacts on the visual amenities of the area. I do not have issue with the overall height of the proposal, although I do agree that setbacks from sensitive receptors including existing residential properties needs re-examination in some instances. A greater transition in scale between existing and proposed development is required. I also consider that the overall scale of development along the boundary with the Protected Structure (Blocks E, F and G) is excessive and would concur that the lack of views/photomontages from this perspective is a significant omission. I am of the opinion that the proposal would have benefited from a greater number of photomontages, taken in the context of the Protected Structures and this is, in my opinion, is an omission in the documentation. I also note that the photomontages submitted, were taken in summer when foliage was full and increased screening provided. I would have liked to have seen photomontages when this screening is not in place, during the winter months, when a more accurate depiction of the situation would be provided. However, the attention of the Bord is drawn to the fact that I undertook a comprehensive visit of the site and its environs. While this omission is noted, I consider there to be sufficient information on file, including cross sections, to allow me undertake a comprehensive assessment of the proposal.

Visual Amenity and Protected Structures

10.5.3 The Bord is referred to section 15 Cultural Heritage-Architectural Heritage of the submitted EIAR and my assessment of same. I note the location of the Gort Muire house on elevated lands, angled away from the application site and am of the opinion that the most significant change in this regard will be the change of visual context in which the Protected Structures sit. The new development will be visible in the context of the Protected Structures. However, the 1960s dormitory block will go some way in shielding view of the proposed development from within the Gort Muire historic structure, as this block is located between the development site and the historic fabric of Gort Muire. I note a typographical error which incorrectly states that the dormitory block dates from 1930s. This is considered to be a minor typographical error. The impact of this dormitory on shielding the proposed development from the Protected Structure has been somewhat over-emphasised in the documentation submitted. I

note that the positioning of the Gort Muire house is such that views from the house have always been focused on the gardens and ponds, facing away from the direction of the proposed development site. I acknowledge the concerns raised by the third parties, the planning authority and the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media in this regard and I too have some concerns.

10.5.4 I do not have issue with the proposed development being visible in the context of the existing Protected Structure. While the scale as proposed is considered excessive and this is being dealt with elsewhere within my report, I do not have issue with a revised proposal of reduced scale, albeit greater than the existing Protected Structure at this location. Nor do I have issue with the overall height of the proposal, relative to the height of the Protected Structure although some greater transition may be necessary. This is a contemporary development, which reflects the time in which it is proposed. The setting may have changed from that originally envisaged but they remain historic examples of the era in which they were constructed, made possibly more significant by the fact that they differ from modern day additions in the vicinity. The lands are being adapted to facilitate current needs and this evolution is to be welcomed in principle. The layout, design and materiality proposed is such that it will be very clear which are historic structures and which are contemporary additions, similar to the way it can be clearly recognised that the dormitory building is a 1960s addition not part of the historic house. I consider that the different eras can sit side by side, reflecting the period in which they were designed and constructed and I do not have issue in this regard.

10.5.5 Notwithstanding my satisfaction with the principle outlined above, as I have stated elsewhere in this report, I consider that the proposal before me is excessive in terms of its scale and massing and does require a degree of scaling back in order for it to constitute an appropriate form of development at this location. Having regard to section 3.2 of the Urban Development and Building Height Guidelines, 2018, I consider that this proposal within an architecturally sensitive area, does not successfully integrate into/enhance the character and public realm of the area, in particular the character of the Protected Structure. Currently the three blocks along this boundary (Blocks E, F and G) are too close to each other and represent an excessive form/scale of development when read together. In my opinion, greater separation distances are required between the blocks, together with a reduced

footprint of development to allow for views through to the Protected Structure and to aid in retaining the open character of the lands. As proposed, I consider that the proposal would overwhelm the Protected Structure and I am recommending a refusal of permission in this regard. If the Bord is disposed towards a grant of permission, I consider that the omission of Block E from the proposal would be a significant improvement in terms of aiding the retention of the open character of the lands as one approaches through its main entrance. This would also reduce the scale of the development closest the Protected Structure, lessening its impact somewhat. In addition, the removal of Block E could allow for a greater separation distance between Blocks F and G, further improving the vistas through the site and giving it a more character of an open character. In this regard, I consider that a separation distance between Block F and Block G of a minimum 25-30 metres would be required.

10.5.6 I note the report of the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media which states that the proposed design introduces significantly deeper plan type and a robust scale of residential blocks that are of a significant enlargement to the adjoining structures in terms of height and massing. The report also raises concern that the proposed development doesn't make adequate adjustment to the adjoining scale, the proposed stepped profile is of minimal benefit due to the profile of the site and the proximity of the development to the site boundaries. As a response to this, I acknowledge that the proposal does constitute a deeper plan than that existing on the Gort Muire complex. While I acknowledge that a scaling back and reduction in footprint is required, given the locational context of the site, I consider such a plan to be acceptable in this instance, adapting to today's requirements. I concur that the scale as proposed is excessive and requires amendment/reduction. I am of the opinion that the development as proposed would appear visually dominant and excessive alongside the boundary with the existing Protected Structure. The planning authority have also expressed this opinion in their Chief Executive Report.

10.5.7 I also note the points raised by the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media regarding the impact of the proposed development immediate to the interfacing/shared boundary between the Protected Structure and that this boundary is not adequately illustrated in this submission. I concur with the

Department in this regard but consider that the treatment of this boundary could be adequately dealt with by means of condition. Their report further highlights that the location of substantial scale immediate to the shared and exposed boundary on a rising topography is of concern. As stated above, I too have concerns regarding the overall scale of development at this location, adjacent to the boundary with the Gort Muire complex. The report also states that the proposed bicycle sheds are not regarded as being of adequate mitigation between the development and the extant historic setting of the Protected Structure and its features. I would concur with this comment. I am of the opinion that the original setting of these structures has already somewhat been lost. The site, as existing, is in close proximity to development of greater scale (both existing and permitted) than was originally on/surrounding the site. Views of taller buildings on the skyline are evident from the site. This is not necessarily a negative. The site is evolving to adapt to current needs. Any new development will be visible in the context of the Protected Structures, it is the scale, massing and extent of development proximate to the Protected Structure is what is of concern. It is considered inappropriate and excessive at this location and has the potential to detract from the character and setting of the Protected Structure, would subsequently impact on the visual amenities of the area and would militate against retaining the open character of the lands. An examination of the scale, massing and extent of development along the boundary with the Protected Structure is required.

Visual Amenity and Residential Properties

- 10.5.8 The planning authority in their report consider that the proposal compromises the amenities of residential property, by reason of visual dominance. I would concur to a degree. The matter of impacts on visual amenities has been raised in many of the submissions received.
- 10.5.9 In terms of visual amenity for surrounding residents, it is my opinion that the blocks with the greatest potential to have visual impacts on residential properties are Blocks C, D and G. I am satisfied that the remainder of the blocks are of sufficient distance, of appropriate scale and setbacks not to impact negatively on the visual amenity of residential properties in the area. As discussed above though, they may impact on the visual amenity of the adjoining Protected Structure. In terms of visual impacts on residential properties, I consider that Block G would be acceptable, given the

separation distances involved, the design and orientation of the block and I am not unduly concerned in this regard. In terms of Block C, I consider that it would be excessively visually dominant on the skyline at this location, given its scale and massing; would be overbearing when viewed from neighbouring lands and I consider that it requires a reduction in footprint and while attempts at transitioning of heights have been made, they do not go far enough to form an appropriate form of development at this location. I consider that the proposal is not in compliance with Criteria 1 'Context' of the Urban Design Manual. I also consider that having regard to the Urban Development and Building Height Guidelines, 2018, at the scale of the site/building, the form, massing and scale of the proposed development is not carefully modulated in this instance. In relation to Block D, I am of the opinion that, given its extent at approximately 90 metres, it too would appear unduly dominant, overbearing and monotonous when viewed from the south and would significantly detract from the visual amenities of the area. Having regard to the Urban Development and Building Heights Guidelines, 2018, I consider that at the scale of district/neighbourhood/street, the proposal does not respond satisfactorily to its overall natural and built environment and in this instance, given its dominance and overbearing impact does not make a positive contribution to the urban neighbourhood at this location. The proposed Block D is monolithic comprises a long, uninterrupted wall of building. My concerns in this regard are such that I recommend a refusal of permission in this instance.

Visual Amenity and Ballawley Park

10.5.10 Some of the submissions received have raised concern regarding the impacts of the proposed development on the visual amenity of Ballawley Park and the planning authority have raised concerns on the visual impacts of the proposal on the recreational amenity of the area. I am not unduly concerned in this regard. Without doubt, elements of the proposed development will be visible when viewed from the park. I do not consider this a negative. Taller structures surround parks in cities throughout the world, giving a sense of enclosure to the space and increasing their safety, by allowing for passive supervision. I am satisfied in this regard.

Visual Amenity and St. Tiernan's school

- 10.5.11 The planning authority considers that Block A materially and negatively impacts on the amenity of the school to its north, by way of appearing oppressive when viewed from these lands and reducing its future development potential at this location. I do not agree with this assertion and I consider that the height, scale and massing of Block A is appropriate given its location. I note that while the school is generally a single storey development, there is a substantial grassed area that separates the proposed development site from the school building. I am satisfied in this regard.

Conclusion

- 10.5.12 In principle, I consider that the site can accommodate a development of the nature proposed, albeit with a reduction in overall scale, massing and extent. The site is evolving and adapting to current needs and the appropriate re-use/redevelopment of these lands into the future is a positive for both the lands and the wider area. I note that development up to eight storeys in height has been permitted in the vicinity of the site, albeit further removed from the Protected Structures than that proposed. While I do not have issue with the heights proposed in principle, I consider that, having regard to the 'INST' designation attached to the site, the proposal represents over-development of the lands in question, due primarily to its scale, massing and footprint of the development. It would have a dominant and overbearing impact on the skyline at this location and would detract significantly from the visual amenities of the area. I consider that a pared back proposal of more appropriate scale and massing, with greater transition in heights and more modulated blocks would allow the proposed development to sit side by side with existing development in the vicinity. I consider the proposal, in its current format, not to be in compliance with Criteria No. 1 of the Urban Design Manual 'Context'. The development does not seem to have evolved naturally as part of its surroundings. I would question whether it respects the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring users and I consider that the development does not positively contribute to the character and identity of the neighbourhood. I have considered attempting to deal with the matters raised by conditions, namely a pared back proposal, which includes for a reduction in both scale and massing (omission of Blocks D and E), a pared back Block C, together with increased separation distances between Blocks F and G (minimum 25-30 metre separation distance) . However,

while this would somewhat address problems in relation to impacts on existing residential and visual amenity, other issues remain with the regards the proposal before me. I consider that amendments of this magnitude would require a fresh examination of the proposal and a re-visit of the layout and for this reason I am recommending a refusal of permission.

10.6 Residential Amenity

Context

- 10.6.1 The planning authority is of the opinion that the proposal would seriously injure the existing residential amenities of adjoining properties at Parkvale and Wesley Heights/Lawns. They have further raised this matter in one of their recommended reasons for refusal stating that having regard to the scale, bulk and height of the proposed development and its proximity to site boundaries, it is considered that the proposed development would seriously injure the residential amenities and depreciate the value of property in the vicinity; materially contravening the stated zoning objective which is 'to protect and/or provide for residential amenity' and would materially contravene Policy UD6 where it is Council policy to 'adhere to recommendations and guidance set out within the Building Height Strategy for the County'. I have dealt with this matter above and I consider that the proposal does not represent a material contravention of the zoning objective.
- 10.6.2 Concerns regarding impacts on residential amenity have been put forward in almost all of the observer submissions received, together those of the elected members. Many of the submissions received object to the change in outlook from the site being an agricultural field, a rural idyll with memories attached. At the outset I acknowledge that, without doubt, there will be a change in outlook as the site moves from its current undeveloped state to that accommodating a high density development, such as that proposed. This is not necessarily a negative. There is an acknowledged housing crisis and this is a serviceable site, zoned for residential development in a transitional area where there are good public transport links with ample services, facilities and employment in close proximity. I have no information before me to believe that the proposal if permitted would lead to the devaluation of property in the vicinity.

Residential Amenity

10.6.3 Concerns regarding impacts on residential amenity have been raised in almost all of the third party submission received and these are noted. These include, *inter alia*, impacts of overlooking, overshadowing, overbearing, noise, vermin, impacts on privacy and devaluation of property. I note that a 'Shadow, Daylight and Sunlight Impact Report' was submitted with the application. The information contained therein generally appears reasonable and robust. I draw the attention of the Bord to the fact that no Vertical Sky Component (VSC) on Parkvale and Wesley Lawns has been provided nor has any analysis beyond 16.00 been provided. While I draw the attention of the Bord to this omission, I note however that there would be little in the way of light after 16.00 in March and December. I am of the opinion that there will be some loss of light/overshadowing as a result of this proposed development. However, this is an urban environment and some degree of loss is to be anticipated. I am of the opinion that the issue would not be so great as to warrant a refusal of permission. The report states that the neighbouring Carmelite Centre, St. Tiernan's school and properties at Parkvale and Wesley Lawns will continue to receive the required two hours of daylight, in accordance with BRE standards. Properties at Wesley Heights have not been included in that analysis, again an omission, however it is noted they gable onto the subject site, some with no window at first floor level in the gable elevation. Their separation distances are also noted.

Parkvale

10.6.4 With regards impacts on the Parkvale residential development, the properties most likely to be affected are No. 16-24. The planning authority state that they have serious concerns that the overall height, scale and visual dominance would have a detrimental overbearing impact on No. 16-24 Parkvale. They consider that the large horizontal extent and massing of Block C is problematic and that it would benefit from being broken up to give visual relief in terms of outlook from the properties of Parkvale. I note that the properties within Parkvale are two-storey, detached dwellings. Block C is an L-shaped building with heights stepped as it moves closer to the boundary with Parkvale. It rises to seven storeys with penthouse level on top and at its nearest point with Parkvale steps down to three storeys. The ground level of the site is higher at this location and I refer the Bord to the level differences. I also refer the Bord to BC-Section1 (drwg No. ML-STW-BC-ZZ-DR-A-PLA-3300) which

shows the proposed block relative to the Parkvale development. I also refer the Board to Photomontage No. 6 in this regard. Given the level differences involved and the separation distances at the nearest points, I would concur with the planning authority that the proposal would appear overbearing when viewed from these properties. I don't have issue with its overall height, it is its scale and massing that concerns me and the height closest Parkvale. I note the proposed building is three storeys nearest these existing properties and that attempts have been made to transition the height is at this location. I concur with the planning authority that it would be overbearing when viewed from neighbouring properties and that if it were broken up into varying elements, with a reduced footprint and views through rather than one extensive block, this may aid in reducing its overall impact. It would also aid in some way in reducing the overall footprint of the development, helping to retain the open character of the area.

Wesley Heights

10.6.5 The properties in Wesley Heights nearest the site gable onto it and the proposed Block D is that closest to these properties. The planning authority considers that the overall bulk, scale, massing and height result in a dominant and monotonous building within close proximity to the shared boundaries of low scale, traditional dwellings. I note that the properties in Wesley Heights have a slightly higher ground level than the subject site. A large number of submissions have been received from the residents of these properties. The planning authority also raise an issue in relation to the lack of a meaningful gradual transition between existing and proposed structure. I do note that the building has a lower height nearer these properties. I also note that an existing area of open space separates the subject sites from these properties. While I do not have issue with the overall height of Block D, it is its extent/footprint at almost 90 metres in length that is of concern and I concur with the planning authority that this extent is dominant and monotonous when viewed from the surrounding area. However, I note that the nearest properties to Block D gable onto the site, many with no window at first floor level in the gable elevation.

10.6.6 Having regard to the orientation of the site, the orientation of the properties in Wesley Heights gabling onto the development site, the level differences involved, the separation distances involved and the design of the proposed units, which includes for setback at top floor levels, I do not have undue concerns with regards the impacts

on residential amenity of properties in Wesley Heights in terms of overlooking, overshadowing or loss of privacy. My concerns relates more to visual amenity than residential amenity in this regard, issues of visual dominance and overbearing impacts in particular when viewed from their rear garden areas or anywhere in the public realm at this location.

Wesley Lawns

- 10.6.7 The planning authority has again raised concerns regarding the impacts of the proposal on Wesley Lawns, for many of the same reasons cited above. A number of submissions have been received from the residents of these properties. Again, I note the properties in Wesley Lawns are at a slighter higher ground level than that of the subject site. I note the stepping back of the upper levels towards the north-eastern end of the site, closest the properties in Wesley Lawns. I am not unduly concerned with the impacts of the proposal on residential amenity, having regard to the separation distances involved, the design of the proposed Block G and the orientation of the site.

Other residential properties in vicinity

- 10.6.8 I am satisfied that impacts on any other properties in the vicinity of the site would not be so great as to warrant a refusal of permission, given the separation distances involved.

Anti-social behaviour

- 10.6.9 Concerns have been raised in some of the submissions received with regards to an increase in anti-social behaviour as a result of the proposed development, in particular associated with the future pedestrian links through the site to surrounding areas. While I acknowledge the concerns raised, I have no reason to believe that this would be an issue. The proposed pedestrian links, if implemented will improve connectivity within the area, for both existing and future residents. Any matters relating to law enforcement are a matter for An Garda Síochána, outside the remit of this planning appeal.

Noise

- 10.6.10 The Bord is referred to section 8 of the submitted EIAR in this regard. Given the nature of the development proposed, I do not anticipate noise levels to be excessive.

There may be some noise disruption during the course of construction works. Such disturbance or other construction related impacts is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. I note that an Outline Construction Management Plan has been submitted with the application, which deals with the issues of noise and dust control, site clearance and waste management. However, if the Bord is disposed towards a grant of permission, I recommend that a Construction Management Plan be submitted and agreed with the Planning Authority prior to the commencement of any works on site. A Construction and Demolition Waste Management Plan has also been submitted. As such, these plans are considered to assist in ensuring minimal disruption and appropriate construction practices for the duration of the project. This is particularly pertinent for the residents of Wyckham Place and surrounding areas, as construction related traffic will enter the site via the Wyckham roundabout on the R826 Wyckham Way and proceed onward through Wyckham Avenue to the development location. Construction related matters can be adequately dealt with by means of condition.

10.6.11 I have no information before me to believe that noise from heat pumps, as raised in one of the submissions would be excessive or would cause any negative impacts on nearby residential amenity. Such pumps are manufactured to industry regulation and I am satisfied in this regard.

Vermin

10.6.12 The matter of increased vermin as a result of the proposed construction works has been raised in some of the third party submissions received. I note that this is currently a greenfield site and there are no structures currently located thereon. No demolition works will take place. The matter of construction management has been dealt with above and I have no information to believe that the proposal will result in an increase in vermin in the general vicinity of the site.

Structural Impacts

10.6.13 Given, *inter alia*, the nature of the development, the location of the basement area removed from nearby properties and the work practices proposed, I have no information before me to believe that the proposal, if permitted, would lead to

structural impacts on any nearby properties. The matter of vibration was dealt with in section 8 of the submitted EIAR and I refer the Bord to same.

Residential Amenity and Future occupants

- 10.6.14 In terms of the level of amenity being afforded to proposed occupants, I note that lower level bedrooms and living spaces in Block B fail the ADF factor due to balcony overhangs. The daylight report states that all external amenity areas comply with standards regarding sunlight and that more than half of the amenity area proposed achieves two hours of direct sunlight and therefore meets BRE target. This is considered acceptable. I am of the opinion that adequate separation distances are proposed between blocks to avoid issues of overshadowing or overlooking. Adequate internal space is proposed to comply with standard set out in Apartment Guidelines 2018.
- 10.6.15 In terms of access to some residential units within Block A, I note that there appears to be no direct access from within the building. The communal garden is also accessed this way. Access to the properties is through their private amenity space externally. The planning authority have raised this as an issue, however I am not unduly concerned in this regard.
- 10.6.16 I note the location of the communal garden for Block A is directly adjacent to the private amenity space of these units. The planning authority have raised some concerns in this regard. This is something that could be addressed in any future application on the lands but again I am not unduly concerned in this regard.
- 10.6.17 Communal resident support facilities/facilities are of a high quality and are a real positive for any future occupants. The planning authority have raised some concerns regarding their accessibility to some residents, given that most facilities are located within Block B. I do not have major concerns in this regard. Block B is close to the main access to the site and their amalgamation into one block in this instance will enliven the area surrounding the block and create an attractive entrance to the site. If the Bord is disposed towards a grant of permission, I recommend that communal laundry facilities be provided in each block. This matter could be easily dealt with by means of condition.
- 10.6.18 The proposed development complies with all other relevant SPPRs of the Apartment Guidelines 2018. I am satisfied in this regard.

10.7 Traffic and Transportation

Context

10.7.1 A Traffic and Transport Assessment, Mobility Management Plan, Engineering Planning Report and DMURS Compliance Statement has been submitted with the application. The information contained within these reports appears accurate and robust. I draw the attention of the Bord to the fact that many of the third party submissions received, including the submission from An Taisce raised concerns regarding inadequate car parking provision, impacts of overspill parking onto adjoining roads and concerns regarding capacity of public transport. The planning authority raise some concerns in relation to permeability/connectivity (dealt with above) and parking provision, among other issues.

Traffic Impacts

10.7.2 Pedestrian, cyclist and vehicular access to the development is proposed off Wyckham Avenue (also known as Wyckham Place) via Wyckham Way. The existing access road junction will be utilised. This is not taken in charge and works are proposed to this access road. I note that Wyckham Place has a 6.5 metre carriageway, cycle paths and footpaths on either side of the road. This road experiences low levels of traffic generation, being a cul-de-sac serving two apartment complexes, 3 no. traveller dwelling units and the Gort Muire complex. The TTA states that the Wyckham roundabout will reach theoretical capacity at both weekday and weekend peak traffic period by 2029 and the Transportation Division of the planning authority concur with this. The Transportation Division acknowledges that the number of trips generated by this development is likely to add to congestion at peak times but that the scale of traffic generated will not have significant impact on the operating performance of the road network. I would concur and consider that that the level of congestion is within the norms for a busy urban environment. I note that the planning authority do not raise concerns in relation to traffic and transport matters, subject to conditions including the submission of a full Quality Audit. In addition, the report of the NTA is noted and the matters raised therein could be adequately dealt with by means of condition, if the Bord were disposed towards a grant of permission. They are supportive of the proposal in principle. They consider that the design of the access route requires further attention in order to facilitate the

safe passage of cyclists and to avoid conflict with pedestrian and traffic. Any proposal should be designed with the guidance contained in the National Cycle Manual. This matter could be adequately dealt with by means of condition, if the Bord were disposed towards a grant of permission.

Car Parking/Planning Authority Refusal Recommendation

- 10.7.3 In total, 276 car parking spaces are proposed, which include for 259 at basement level of Block B and 17 at grade level. This figure includes for 26 Go-Car spaces. Of the total amount, 14 disabled spaces are proposed, together with 3 visitor spaces. Two additional spaces are proposed for the childcare element of the proposal. The stated provision equates to 0.44 spaces/unit. I note that Table 8.2.3 of the operative County Development Plan sets out car parking standards for residential use at a rate of 1 space per 1 bed unit, 1.5 spaces per two-bed unit and 2 spaces per three-bed unit. This would equate to a car parking requirement of 818 spaces. As stated, in total, 278 car spaces are proposed in this current proposal. A Material Contravention Statement has not been submitted in this regard and I do not consider the car parking provision to represent a material contravention in this regard. The planning authority do not raise the issue of material contravention in this regard.
- 10.7.4 The issue of car parking provision was raised in the majority of the third party submissions received including An Taisce and by the Elected Members. The planning authority considers that this is a suburban location unsuited to the proposed level of car parking/car storage reduction and consider the proposal to be unacceptable in this regard. It is the opinion of the planning authority that the development as proposed would give rise to unacceptable levels of on-street parking and overspill into the surrounding areas. They state that the proposed parking provision is significantly deficient by reference to Table 8.2.3 of the operative County Development Plan, which sets out car parking standards for the County. They also consider the proposal to be inconsistent with the standards set out in Sustainable Urban Housing: Design Standards for New Apartments. They recommend refusal of permission in this regard. They consider that a provision of 1 space/unit would be appropriate at this location.
- 10.7.5 It is clear from the above that a shortfall in car parking provision is proposed and that the proposal does contravene Table 8.2.3 of the operative County Development Plan, cited above. There appears to be conflicting objectives in the operative County

Development Plan in relation to this matter. I note from an examination of the operative County Development Plan that the written text of section 8.2.4.5 states that *'Car parking standards provide a guide on the number of required off-street parking spaces acceptable for new developments...'* (my underlining). Based on this, I consider that the standards set out in Table 8.2.3 could be regarded as a guide only and note that this section seeks that 'appropriate consideration' be given by the planning authority to 'promoting modal shift to more sustainable forms of transport'.

10.7.6 Policy ST3 of the operative CDP deals with the matter of modal shift and states that *'It is Council policy that...effecting a modal shift from the private car to more sustainable modes of transport will be a paramount objective to be realised in the implementation of this policy'*. It could be argued that the proposed development is promoting modal shift to more sustainable forms of transport, in line with both this policy of the operative County Development and national guidance in this regard. This section of the CDP continues by stating that sustainable travel is about the movement of people and goods in a manner that engenders quality of life and ease of access for all and seeks to encourage a modal shift in favour of public transport and other non-car based modes. The proposed development, could be argued to increase the quality of life for its residents by providing a largely car free environment, whilst at the same time encouraging modal split. Non-car based modes of transport are provided for with over 1300 bicycle spaces proposed, while alternative means of transport in the form of 26 car club spaces, which are for exclusive use of the future residents, are also proposed.

10.7.7 I am cognisant of the need for car storage as a component of residential developments. While I acknowledge that the issue of car storage is very relevant, it is noted that residents of the scheme will be aware of the limited quantum of spaces when deciding whether or not to live in the proposed scheme and this matter may ultimately influence their decision. I am also of the opinion of that future residents should be advised in advance that there are only limited car parking spaces in this development.

10.7.8 Section 8.2.4.5 of the operative County Development Plan states that:

'Reduced car parking standards for any development (residential and non-residential) may be acceptable dependant on:

- The location of the proposed development and specifically its proximity to Town Centres and District Centres and high density commercial/ business areas.
- The proximity of the proposed development to public transport.
- The precise nature and characteristics of the proposed development.
- Appropriate mix of land uses within and surrounding the proposed development.
- The availability of on-street parking controls in the immediate area.
- The implementation of a Travel Plan for the proposed development where a significant modal shift towards sustainable travel modes can be achieved.
- Other agreed special circumstances where it can be justified on sustainability grounds.

In addressing the above, I note the following:

- The operative County Development Plan designates Dundrum as a Major Centre in the Metropolitan Area in the Core Strategy and its location proximate to high density commercial/business areas is noted. The site is located approximately within 1km of Dundrum Town Centre with its associated services and facilities; a short distance from Dundrum village while the Beacon Hospital and employment hub of Sandyford are located approximately 3km from the site. This is an established area, albeit transitional in nature, with a wide range of services and facilities on offer. The site could be considered to be either a Central and/or Accessible Urban Location or Intermediate Urban Location, as per the Apartment Guidelines 2018.
- The proximity of the site to public transport is noted, in particular Balally LUAS station (within a 15 minute walk), while it is noted that a number of bus routes travel along Wyckham Way and Sandyford Road. The NTA in their report state that the new Dublin Area Bus Network, published by the NTA in September 2020, includes a number of bus routes on Wyckham Way that would serve the proposed development. The Balally Kilmacud LUAS stop at just less than 30 minute walk is too far to be considered as an option in the context of this proposal. There is good pedestrian and cycle connectivity in

the area although the lack of meaningful pedestrian links through the site to Wesley Heights/Lawns, Ballawley Park and St. Tiernan's school is regrettable

- The proposal provides for a largely car-free environment, allowing for a superior standard of development. I am of the opinion that a 'one size fits all' approach is not appropriate in this instance and a site specific approach is required in terms of overall design, layout and parking provision. This site specific approach to parking provision is advocated in national guidance.
- I note the mix of land-uses in the general area. The principle of relatively high density residential development with reduced parking was established on neighbouring sites under ABP-304590-19. This is considered to be somewhat of a transitional area, as it moves away from lower density, suburban type dwellings to higher density development which reflects its locational context. Most of the existing suburban type dwellings in the vicinity have ample off-street parking, many with two spaces per property. The reduced parking provision permitted under ABP-307545-20 cannot be considered a precedent given the unique circumstances associated with that proposed development, namely the planning gain associated with the reduction in parking standards in terms of architectural heritage. I didn't observe issues of overspill parking along Wyckham Place, during my site visit. It is unlikely given the lack of meaningful pedestrian links that there would be overspill parking within Parkvale or Wesley developments.
- On-street parking controls were evident along Wyckham Place, with double yellow lines along its length. These parking controls would prevent overspill parking into the immediate areas. The existing two apartment complexes accessing onto Wyckham Place are both gated developments. Issues of illegal parking are a matter for law enforcement, outside the remit of this planning application.
- A Mobility Management Plan has been submitted with the application, the contents of which appear reasonable and robust. In addition to the car parking proposed, it is noted that the development proposal includes for in excess of 1300 bicycle parking spaces and 21 no. motorcycle spaces. The number of bicycle spaces far exceeds the recommended standards set out in the operative CDP. The option of Bleeperbikes is also being examined. It is

noted that of the 278 car parking spaces proposed, 26 no. parking spaces will be dedicated for car club use only, exclusively for residents. It is stated that details of car share programme will be made available to residents when they move into the development. An implementation and management plan for the car club should be submitted prior to the commencement of any works, if the Bord is disposed towards a grant of permission. Car club usage is argued to influence modal shift from private car usage to car sharing/public transport use. It is stated that 1 car club vehicle can replace between 10 and 15 private cars, which will therefore in effect increase the car parking provision by up to 390 spaces. The removal of car storage from the site, shifting the residents to other means of transport is in line with local and national policy in this regard. The provision of car club spaces will aid in the sustainability of parking provision, provide consistency with existing modal splits and will further reduce the traffic impact of the development.

10.7.9 This is a build-to-rent scheme and I draw the attention of the Bord to SPPR7 and SPPR8 in this regard. In terms of national policy, I note that both the NPF and Apartment Guidelines emphasise a need to move away from universal parking standards to a more tailored performance-based approach. In this regard, I note National Policy Objective 13 of the National Planning Framework which states that "In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected". In addition, National Policy Objective 27 is also noted which seeks "...to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages". In addition, sections 4.18 – 4.27 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 provide the following guidance in relation to car parking for differing locations and seek to encourage reductions in car parking provision for higher density developments.

Cycle Parking

- 10.7.10 The applicant proposes a total of 1354 bicycle parking spaces (1038 long stay and 316 short stay). This figure exceeds the amount recommended in both the Apartment Guidelines 2018 and the requirements of the operative County Development Plan.

Conclusion

- 10.7.11 The concerns of the planning authority are acknowledged in this regard, as too are those of the third parties and the Elected Members. Given the location of the site within an urban area on zoned lands, together with the nature of the use proposed, I do not have undue concerns in relation to traffic or transportation issues. I acknowledge that there will be some increased traffic as a result of the proposed development, in particular during the construction phase. However, the construction phase will be temporary in nature and it is stated in the Outline Construction Management Plan that the Contractor will submit a Construction Traffic Management Plan, to be agreed with the planning authority, prior to the commencement of any works on site. However, the site is well served with public transport, with a number of bus routes and two LUAS stations within walking distance. There are good cycle facilities in the vicinity.
- 10.7.12 Notwithstanding the concerns expressed by the Planning Authority in relation to reduced car parking provision, I am generally satisfied in this regard and am therefore not recommending that the Bord refuse permission based on the level of parking being proposed. I consider the parking strategy, as proposed, to be acceptable in this instance. I note the build-to-rent nature of the development and the fact that reduced parking is addressed in the section 28 national guidance for such schemes. I am of the opinion that the proposed site is such that it largely satisfies the criteria set out in section 8.2.4.5 of the operative County Development Plan in relation to reduced car parking standards for appropriate development. I am also satisfied that the proposal is in compliance with Policy ST3 of the operative County Development Plan by effecting a modal shift from the private car to more sustainable modes of transport. Matters raised in relation to the proposed access can be adequately dealt with by means of condition. Importantly, potential residents will be aware of the parking situation when deciding to move into the complex.

Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

10.8 Drainage and Flood Risk

- 10.8.1 An Engineering Planning Report was submitted with the application. The information contained therein appears reasonable and robust. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer, both located along Wyckham Avenue/Place. A new surface water sewer network shall be provided for the proposed development which will be entirely separated from the foul water sewer network. It is proposed to discharge the stormwater drainage within the site to the existing sewer on Wyckham Avenue by gravity. Measures will be utilised. Green roofs are proposed. An Irish Water Design Submission has been submitted by the applicant, which states that based on the information provided, Irish Water has no objection to the proposal. An Irish water Statement of Compliance letter was also submitted with the application, which states that based on the information provided, Irish Water has no objections to the proposal. A report was received from Irish Water at application stage, which raises no objections subject to a condition being attached to any grant of permissions that the applicant sign a connection agreement with IW prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
- 10.8.2 The report of the Drainage Division of the planning authority, as contained in the Chief Executive Report, states that there are a number of discrepancies in relation to the allowable outflow calculations and they recommend that a condition be attached to any grant of permission which addresses this concern. They recommend that a revised proposal be submitted for the calculation of the proposed controlled outflow rates and attenuation storage volumes and that the attenuation volumes provided across the development are adequately sized to achieve the required overall site attenuation storage requirements while restricting the final outflow of the fully developed site. They have not raised concerns in relation to other matters, subject to conditions.

Flood Risk

10.8.3 A Site Specific Flood Risk Assessment was submitted with the application. The contents of this document appears reasonable and robust. It concludes that the development is at low risk of flooding and is deemed appropriate within the proposed site location. It states that there is no risk from coastal, pluvial or fluvial flooding. Flood mapping included in the operative County Development Plan indicates that the proposed development site is located in Flood Zone C. The OPW flood maps show no record of flooding incidents in the area of the proposed development. The planning authority state that based on the information provided in the SSFRA, the conclusions contained therein are accepted and thus the proposed development is considered to be in accordance with Appendix 13 (Strategic Flood Risk Assessment) of the County Development Plan 2016. I consider that having regard to all of the information before me, including the guidance contained within the relevant Section 28 guidelines on flood risk management that this matter has been adequately addressed.

Conclusion

10.8.4 I am generally satisfied in relation to the matter of drainage and flood risk. The concerns of the planning authority can be adequately dealt with by means of condition and Irish Water have not raised concerns in this matter, subject to condition. I am also satisfied in this regard, subject to condition.

10.9 Other Issues

Consultation

10.9.1 I note that some of the submissions received state that there was inadequate/lack of meaningful consultation with them by the applicants. It is noted that while meaningful consultation may be to the benefit of both parties, there is no statutory requirement to undertake such engagement.

Procedural Issues

10.9.2 Some of the submissions received raise concerns regarding the address 'Marmalade Lane', used in the public notices and documentation submitted, stating that this address does not exist. In this matter, I would state that the purposes of the public notices is to give an indication to the general public that a planning application has

been lodged on the subject site and a broad outline of the development proposed. Judging by the number of submissions received, it is clear to me that the general public have been made aware of the proposed development on these lands.

Scale Model

- 10.9.3 Some submissions received stated that a scale model should be submitted with the application. While this may have some benefits, there is no obligation under the legislation to submit such a model.

Public Health

- 10.9.3 Many of the submissions received refer to the presence of Covid-19 and the ability of the proposed development to operate safely in such circumstances. The management of the proposed facility in such circumstances, or similar circumstances, will be a matter for the applicants to address, in light of public health advice pertaining at that time.

SHD Process

- 10.9.4 Some of the third parties have raised concerns with regards the strategic housing development process. An Bord Pleanála are obliged to implement the provisions of planning law, including the SHD process laid down in the Planning and Development (Housing) and Residential Tenancies Act 2016. They are also obliged under section 9 of that Act to have regard to, inter alia, the policies of the Government and the Minister, including guidelines issued to planning authorities and to the provisions of Development Plans.

Fire Regulations

- 10.9.5 Assessment of the proposal against compliance with fire regulations is outside the remit of the planning legislation.

Inconsistencies

- 10.9.6 It is noted that there are some inconsistencies in the information provided, while some third parties have contended that some documentation lacked sufficient detail. While these are noted, they are considered to be relatively minor and do not affect the outcome of my recommendation. There is adequate information on file for me to comprehensively assess the proposed development.

10.9.7 It is noted that some of the submissions received refer to the fact that RPS No. 1446, Gort Muire Gate Lodge and Entrance Gates was not referred to in the public notices. While it may have been beneficial to some parties, I do note that the Protected Structure referred to is that nearest the subject site. RPS No. 1446 has been referred to within the documentation submitted and I am satisfied in this regard.

Childcare Facility

10.9.8 The proposal includes for a childcare facility, of stated floor area 620m², with associated play space. The facility is located in the ground floor of Block A and would be available for use by both the future residents and wider community. The planning authority have no raised any issue in this regard. I too am satisfied in this regard.

Part V

10.9.9 The applicant proposes to comply with the requirements of Part V of the Planning and Development Act 2000, as amended by way of transfer of 63 units. The applicants are proposing to lease the units to the local authority on a long-term, 15 year lease arrangement. The planning authority have not raised issue in this regard and recommend a condition to deal with the matter, in the event of permission being granted for the proposed development. This is considered acceptable.

Boundary Treatment/Hoarding

10.9.10 Some of the third party submissions received raise concerns regarding proposed boundary treatments/location of hoarding. I recommend that if the Bord is disposed towards a grant of permission, exact details relating to same should be agreed with the planning authority prior to the commencement of any works on site.

10.10 Material Contraventions/PA Report

10.10.1 This is a complex file in terms of the number of material contraventions being put forward by the various parties. Differences between parties are evident as to what matters constitute material contraventions or otherwise. Having regard to all of the information before and in the interests of clarity, I will summarise the matters of material contravention, as I see it. I will not reiterate the points made above, but refer to relevant sections.

10.10.2 The applicant has addressed the following matters in their submitted Material Contravention Statement:

- Zoning
- 'INST' designation and open space requirement
- 'INST' designation and density
- Building Height

The applicant is of the opinion that the proposal materially contravenes the operative County Development Plan in relation to height but not in relation to the other matters.

10.10.3 The planning authority considers the following to represent a material contravention of the operative County Development Plan

- Height (Reason for Refusal No. 1)
- Zoning objective (Reason for Refusal No. 2)
- Policy Res 5 and section 8.2.3.4(xi) in relation to quantum of Open Space (Reason for Refusal No. 4))
- Policy RES 5 and section 8.2.3.4(xi) in relation to Open Space and open character being retained (Reason for Refusal No. 4)

10.10.4 I am of the following opinion in relation to Material Contravention:

- Zoning: open to the Bord to invoke section 37(2)(b) of P&D Act 2000 as matter has been addressed in Material Contravention Statement. I consider that the proposal does not represent a material contravention of the zoning objective-see section 10.1 above
- Height: open to the Bord to invoke section 37(2)(b) of P&D Act 2000, having regard to section 37(2)(b)(i) and (iii), as matter has been addressed in Material Contravention Statement. I consider that the proposal does represent a material contravention- see section 10.3 above
- Density: open to the Bord to invoke section 37(2)(b) of P&D Act 2000 as matter has been addressed in Material Contravention Statement having regard to section 37(2)(b)(i) and (ii). I consider that the proposal does not represent a material contravention- see section 10.2.15-10.2.19 above

- Policy RES5 and section 8.2.3.4(xi) in relation to quantum of open space- open to the Bord to invoke section 37(2)(b) of P&D Act 2000 as matter has been addressed in Material Contravention Statement. I consider that the proposal does not represent a material contravention- see section 10.2.6-10.2.7 above
- Policy RES5 and section 8.2.3.4(xi) in relation to retaining open character of the lands being retained- Matter not addressed in Material Contravention Statement in context of section 37(2)(b); difficult for Bord to invoke section 37(2)9(b). I consider that the proposal does represent a material contravention- see section 10.2.8-10.2.14 above
- Masterplan- does not represent a material contravention- Matter not addressed in Material Contravention Statement in context of section 37(2)(b); difficult for Bord to invoke section 37(2)9(b)- see section 10.2.20-10.2.21

I draw the attention of the Bord to above summary.

11.0 Screening for Appropriate Assessment

Context

- 11.0.1 A 'Report for the Purposes of Appropriate Assessment Screening', has been submitted with the application. The contents of this report appear reasonable and robust. It states that adverse effects on the Dublin Bay European sites are highly unlikely given (i) the nature of the proposed Project, a residential development that is to be located within the suburban environment of Dublin City (ii) the distance between the proposed Project and the nearest European sites, over 4 km; (iii) the proposed development is to be connected to existing Irish Water sewers for both surface water and foul water. It concludes that having considered the above, significant effects on any European sites as a result of the proposed Project can be ruled out and potential significant effects on European sites have been excluded at a preliminary screening stage.

Designated Sites

11.0.2 The following Natura 2000 sites that are within 15km of the site and their distance from the application site are identified:

- South Dublin Bay SAC (Site Code 000210): 4.3km.
- Wicklow Mountains SAC (Site Code 002122): 5.4km.
- Knocksink Wood SAC (Site Code 000725): 7.7km.
- North Dublin Bay SAC (Site Code 000206): 9.2km.
- Glenasmole Valley SAC (Site Code 001209): 8.6km.
- Ballyman Glen SAC (Site Code 000713): 9.2km.
- Rockabill to Dalkey Island SAC (Site Code 003000): 9.8km.
- Howth Head SAC (Site Code 000202): 13.6km.
- Bray Head SAC (Site Code 000714): 13.5km.
- Baldoyle Bay SAC (Site Code 000199): 14.75km.
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024): 4.1km.
- Wicklow Mountains SPA (Site Code 004040): 5.6km.
- North Bull Island SPA (Site Code 004006): 9.2km.
- Dalkey Islands SPA (Site Code 004172): 9.5km.
- Baldoyle Bay SPA (Site Code 004016): 14.8km.

Qualifying Interests/Special Conservation Interests

11.0.3 Qualifying Interests/Special Conservation Interests for which each European Site have been designated have not been outlined in the AA Screening Report. I have however examined the NPWS website in this regard. In terms of Conservation Objectives for each site, it is noted that the most Sites have generic conservation objectives, which seek to maintain or restore the favourable conservation condition of the habitat/species for which the Site has been selected. Detailed conservation objectives are available on www.npws.ie and I refer the Bord to same which seek to maintain and/or restore favourable conservation condition.

Potential Direct/Indirect Effects

11.0.4 It is stated that for each of these identified sites, there will be no direct effects as the proposed development is located outside of the designated site. The nearest European sites are those associated with South Dublin Bay, including South Dublin Bay SAC (Site Code 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code 004040), which are located over 4 km to the north east. On the north side of Dublin Bay are North Dublin Bay SAC (Site Code 000206) and North Bull Island SPA (Site Code 004006) which are located over 9 km from the proposed development site. There is no potential for meaningful connectivity to any other European Sites. The documentation states that there is a pathway from the site via surface and wastewater water flows to Dublin Bay via the Ringsend wastewater treatment plant. There is no evidence that pollution through nutrient input is affecting the conservation objectives of the South Dublin Bay and River Tolka Estuary SPA. However, evidence suggests that some nutrient enrichment is benefiting wintering birds for which SPAs have been designated in Dublin Bay. Additional loading to this plant arising from the operation of this project are not considered to be significant. Proposed upgrade works at Ringsend wastewater treatment plant, which have the benefit of a grant of permission, will address future capacity demand.

Potential In-Combination Effects

11.0.5 It is stated that within the last three years, there have been 19 developments granted planning permission in the vicinity of the proposed development. It is anticipated that there will be no predicted in-combination effects given the nature and scale of the proposed development and the distance to any European sites.

Assessment

11.0.6 The following is noted:

- The proposed development site lies outside the boundary of a Natura 2000 site, no loss of habitat will occur. The proposed development site is located approximately 4km from the nearest Natura 2000 sites, across an urban/suburban environment, with no direct connection to these conservation sites.

- There is no direct hydrological pathway from the proposed development site to a Natura 2000 site. There are no watercourses located in the immediate environs of the proposed development site.
- In terms of foul drainage, the proposal will connect into existing public infrastructure. There is an indirect pathway via foul water network to Ringsend WWTP. Foul water from the development will be processed in the Ringsend WWTP, where any pollutants or silt will undergo treatment and be dispersed and diluted. I am of the opinion that the indirect pathway of foul water to Ringsend WWTP will not result in a significant effect on Natura 2000 sites.
- Wastewater will be directed to Ringsend WWTP and there are plans to upgrade this facility. This current proposal will have an insignificant impact on current capacity. The Ringsend WWTP is operating under licence from EPA and that licence is itself, the subject of its own AA. There is no evidence that water quality is impacting on these aforementioned designated sites within Dublin Bay.
- Flood Risk assessment concludes that there are no significant flood risks from pluvial, fluvial or tidal sources
- No Natura 2000 sites are within the zone of influence of this development. Having taken into consideration (i) the effluent discharge from the proposed development works, (ii) the distance between the proposed development site to designated conservation sites, (iii) lack of direct hydrological pathway or biodiversity corridor link to conservation sites and (iv) the dilution effect with other effluent and surface runoff, it is concluded that this development would not give rise to any significant effects to designated sites.
- There is no potential for the proposed development to contribute to any cumulative adverse impacts on any European Site
- IW have confirmed that the proposed connection to their network can be facilitated

11.0.7 The proposed development site lies outside the boundaries of the Natura sites identified above and therefore there will be no reduction in habitat. The project is not directly connected with the management of any Natura 2000 site. It is concluded within the Appropriate Assessment Screening that the proposed development will have no significant impacts upon any Natura 2000 sites. Mitigation measures are referred to within some of the documentation submitted. In my mind they are not mitigation measures but constitute the standard established approach to construction works on greenfield/brownfield lands. Their implementation would be necessary for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission. Their efficacy in preventing the risk of a deterioration in the quality of water has been demonstrated by long usage. For example, I note the report of Inland Fisheries Ireland which also emphasises that only clean, uncontaminated surface waters must be permitted to discharge to the surface water network so that the ecological integrity of the system is protected, for reasons which are completely unrelated to Natura 2000 sites.

11.0.8 Having regard to the 'source-pathway-receptor' model and lack of any direct entry of surface and untreated waste waters to any of the Natura 2000 sites, the proposal either individually or in-combination with other plans or projects could not be considered to have likely significant effects in view of the sites' conservation objectives.

11.0.9 I have had due regard to the screening report and data used by the applicant to carry out the screening assessment and the details available on the NPWS website in respect of the Natura 2000 sites identified as being within 15km radius of the development site, including the nature of the receiving environment and proximity to the nearest European site. I consider it is reasonable to conclude that on the basis of the information on the file which includes inter alia, AA screening report submitted by the applicant and all of the planning documentation, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have

a significant effect on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12.0 Environmental Impact Assessment (EIA)

Statutory Provisions

- 12.0.1 This application was submitted to the Bord after 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 12.0.2 The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.
- 12.0.3 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 developments comprising of urban development which would exceed:
- 500 dwellings
 - 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 development proposes 628 residential units and has a stated area of approximately 4.03 hectares, located within the built-up area. It therefore above the threshold in relation to unit numbers and therefore requires mandatory EIA.

- 12.0.4 The EIAR contains three volumes, which includes for a Non-Technical Summary. Chapters 1-3 inclusive set out an introduction to the development, background to proposed development, methodology used, description of the proposed development.

12.0.5 The likely significant direct and indirect effects of the proposed development are considered in the remaining chapters which collectively address the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and Human Health
- Biodiversity
- Land, Soil and Geology
- Hydrology and Water Services
- Noise and Vibration
- Climate and Air Quality
- Landscape and Visual
- Traffic and Transportation
- Material Assets
- Waste Management
- Cultural Heritage- Archaeology
- Cultural Heritage-Architecture Heritage
- Interactions
- Schedule of Mitigation Measures

12.0.6 I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

12.0.7 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 observers has been set out above.

12.0.8 This EIA has had regard to the application documentation, including the EIAR, the observations received and the planning assessment completed above.

Alternatives

12.0.9 Article 5(1)(d) of the 2014 EIA Directive requires the following:

"a description of the reasonable alternatives studied by the developer, which are relevant to the development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, taking into account the effects of the development on the environment."

12.0.10 Section 2 of the submitted EIAR deals with alternatives and sets out alternative locations, layouts and designs considered. It is considered that the issue of alternatives has been adequately addressed in the application documentation.

Assessment of Likely Significant Direct and Indirect Effects

Population and Human Health

Section 4 of the EIAR is entitled population and human health. The site is located to in the Sandyford-Dundrum ED, within the suburban built-up residential area of Dundrum and Ballinteer. It is a greenfield site that has remained undeveloped and comprises principally of a vacant field formerly controlled by the Gort Muire Carmelite Centre.

It is concluded that the proposed development will contribute to further growth and expansion of the neighbourhood contributing to the existing and future populations. The predicted impacts of the operational phase are considered to be long term and positive to population and human health. The proposal will contribute positively to the community by improving the vibrancy and vitality of the area. Mitigation measures have been outlined that will ensure no significant negative impacts/effects on human health or population.

I have considered all of the written submissions made in relation to population and human health. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on population and human health are likely to arise.

Biodiversity

Flora

Section 5 of the EIAR refers to biodiversity (flora and fauna). Walkover habitat surveys, which included bat and bird surveys were undertaken on the 30th September 2019, 9th and 10th March 2020 and 1st and 19th June 2020. Badger surveys were undertaken on 24th March 2020. The subject site is located on improved grassland, with small pockets of woodland, patches of scrub and scattered trees identified. Additional artificial habitats found on site include the buildings and surfaces associated with the Gort Muire complex. There are no Annexed habitats on/adjacent to the proposed development site. There were no rare or protected species recorded on the site. There are no rare or protected habitats recorded within the study area. There are no rivers or streams that cross the proposed development site and no hydrological pathways to nearby rivers or streams evident. The development is located in an area of low to moderate ecological value and as such predicted to have a neutral imperceptible effect on biodiversity.

A site assessment/survey for invasive species indicated that no Japanese Knotweed plant species were recorded within the property boundary.

Fauna

There are no suitable habitats for otters on or near the site.

No buildings or structures of bat roosting potential were present on site. Two bats were noted foraging on site along the field boundaries both in 2019 and in 2020. No bats were detected emerging from any of the onsite trees. Some bat activity was noted in Ballawley Park. There is no evidence of a current or past bat roost on site, therefore no significant negative impacts on these animals are expected to result from the proposed redevelopment.

There are no badger setts within the site. One burrow with potential for badger use is almost certainly used by a fox and may not be in use by foxes at present based on the field signs. Outside of the proposed development footprint, there is one or more badger setts, located behind a line of leylandii to the west of Gort Muire and south of the entrance to the site. None of these setts suggest the presence of a main sett based on the amount of the spoil, the absence of any bedding around the entrance and the absence of a latrine. Tracks leading from the site indicate mammal

movement that may include fox and badger. There will be reduced foraging for badgers given the loss of the field. In urban areas, this may be compensated by benign feeding as well as opportunistic foraging on scraps and pet food. This development is likely to create a permanent slight negative impact for badgers. The planning authority have raised the matter that the exact location of the badger sett outside of the site is not identified. While this is acknowledged, the matter could be adequately dealt with by means of condition. In addition, the planning authority have recommended additional conditions in relation to mammals, all of which could be adequately dealt with by means of condition.

Common species of birds were identified. No rare or endangered species of bird was recorded breeding within the subject site. No observations of Swifts were noted.

Mitigation measures and good site practices have been outlined. Potential impacts have been identified, together with potential cumulative impacts. New planting will be incorporated into the landscape design, which is considered appropriate given the objective 'to preserve trees and woodland' on the site and will also aid in negating some of the tree loss that has previously been undertaken on the site. With the employment of appropriate mitigation measures, the proposed development is anticipated will have a neutral imperceptible and long-term effect on biodiversity.

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 note the report of the planning authority, which is referenced above. I also note the report of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media are generally satisfied in relation to the matter of nature conservation, subject to conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity.

Land, Soil and Geology

Section 6 of the E IAR deals with land, soil and geology. Site investigation works were carried out in December 2019. There are three no. soil types noted at the proposed development site, namely deep well drained mineral, mineral poorly

drained and made ground. GSI mapping for the region indicates that the soil type for the region is till derived from granites with some bedrock outcrop or subcrop. The lands are not located in a GSI or EPA source protection area.

There is potential for land and soils to interact with other environmental elements during both the construction and operational phases of the project. The predicted impacts at construction phase is limited to the excavations required to construct the foundations and install the proposed works. If mitigation elements are implemented, then the risk of impact is stated as being negligible. Operational phase impacts would be negligible. There are no likely significant impacts predicted on the soils, geology and groundwater environment associated with the proposed development of the site. There are no anticipated cumulative impacts.

I have considered all of the written submissions made in relation to land, soil and geology. 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 land, soil and geology.

Hydrology and Water Services

Section 7 of the submitted EIAR deals with hydrology and water services. The nearest watercourse is the River Slang, which runs outside the site perimeter, to the west of the proposed development, from south to north. A Site Specific Flood Risk Assessment has been undertaken and the site is located within Flood Zone C. Connections to existing public drainage and water supply services works are proposed. SuDS measures will intercept and attenuate surface water on site. During the construction phase of the proposed development there are several potential processes that could impact the existing surface water, foul water and watermain networks, however no predicted significant impacts are anticipated. During the operational phase, no negative residual impacts are anticipated.

Potential cumulative impacts have been assessed and a wide range of mitigation measures have been specified for both the construction and operational phases of the project. These mitigation methods seek to ensure that construction and operational discharges are controlled to prevent potential pollution impacts to all receiving surface water systems.

I have considered all of the written submissions made in relation to hydrology and water services. I note the reports of both Irish Water and the Planning Authority in this regard. I refer the Bord to my assessment of 'Drainage and Flood Risk' above. 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 hydrology and water services.

Noise and Vibration

Section 8 of the submitted EIAR deals with noise and vibration. Baseline noise monitoring and an environmental noise survey were undertaken across the development area to determine the range of noise levels at varying locations across the site. The closest neighbouring noise sensitive property to the proposed development is a residential dwelling located approximately 13m east of the proposed site. Prevailing noise levels in the locality are primarily due to local road traffic.

During the construction phase of the project there is the potential for significant and moderate impacts on nearby noise sensitive properties due to noise emissions from site activities. The application of noise and vibration control measures will ensure that noise and vibration impact will have a negative, moderate and short-term impact on the surrounding environment.

During the operational phase, the predicted change to noise levels associated with additional traffic is anticipated to be of imperceptible impact along the existing road network, with neutral, imperceptible, and long-term impact to nearby residential locations. Noise levels associated with operational plant are expected to be well within the adopted noise limits at the nearest noise sensitive properties.

Potential cumulative impacts have been examined. Mitigation measures are proposed for both the construction and operational phases in relation to noise and vibration.

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.

Climate and Air Quality

Section 9 of the submitted EIAR deals with climate and air quality. In terms of air monitoring and assessment, the proposed development site is within Zone A. The existing ambient air quality in the vicinity of the site has been characterised with information obtained from a number of sources. Baseline data for the existing air quality environment, together with data available from similar environments indicates that levels of nitrogen dioxide, carbon monoxide, particulate matter less than 10 microns and less than 2.5 microns and benzene are generally well below the national and European Union ambient air quality standards. The greatest potential impact on air quality during the construction phase is from construction dust emissions and the potential for nuisance dust. In order to minimise dust emissions during construction, a series of mitigation measures have been prepared in the form of a Dust Minimisation Plan. When the dust minimisation set out in the Plan are implemented, air quality impacts during construction phase will not be significant.

Impacts to climate during the construction phase are considered imperceptible and therefore residual impacts are not predicted. During the operational phase, impacts of the proposed development on air quality and climate is predicted to be imperceptible for both the long and short term.

Potential cumulative impacts have been examined. Mitigation measures for construction and operational phases have been outlined.

I have considered all of the written submissions made in relation to climate and air quality. 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 climate and air quality.

Landscape and Visual

Section 10 of the submitted EIAR deals with landscape and visual. A series of 11 photomontages were submitted in this regard, together with some CGIs. A Landscape and Visual Impact Assessment (LVIA) was undertaken. The subject site is located within the suburban built-up residential area of Dundrum and Ballinteer. It is a greenfield site and its present character is defined by open fields having a former agricultural use. The Bord is referred to my assessment above, in terms of 'Visual Amenity' and other relevant sections.

The Gort Muire Carmelite Centre is a Protected Structures (RPS Ref.1453). A full description of nearby Protected Structures can be found in the 'Cultural Heritage – Architecture Heritage' of this EIA. This was raised in one of the third party submissions received. The lands to the east and the south consist of residential developments comprising two storey housing. Ballawley Park, a large public park lies directly to the south east of the site, while the lands to the north consists of St Tiernan's Community School and the Walled Garden (also formerly part of the Carmelite Centre). Adjoining the Carmelite Centre to the north and west are a number of modern apartment developments (Wyckham Point, Wyckham Place, Southmede) built in the mid to late 2000's along Wyckham Way with heights ranging up to 8 storeys.

Any development on a large undeveloped site would naturally result in significant visual impact and material change to the landscape character of the site. During construction, the proposed development will give rise to usual visual impacts, in the form of excavation and ground works, structural and general construction works. The construction phase will include construction traffic, movement of machinery and personnel, and the gradual emergence of the various elements of the development. It is anticipated that landscape and visual effects during construction phase will be wholly negative at first. Mitigation measures to the construction phase will be dealt within the construction management plan and have been referenced elsewhere within this assessment. Good site management and housekeeping practices will be

adhered to during the construction phase. The visual impact of the site compounds and scaffolding visible during the construction phase are of a temporary nature only and therefore require no remedial action.

On completion the proposed development will significantly alter the immediate landscape from a vacant grassland field into a significant apartment development comprising 7 blocks ranging in height from 3 to 9 storeys with associated development. However, the landscape impact within the wider suburban context, whilst still significant, will not be uncharacteristic of what has occurred within the area over the past 15-20 years. The current proposal represents another phase in the ongoing consolidation and densification of the wider suburban area of Dundrum & Ballinteer in line with current planning policy.

In terms of visual impacts, the following 11 locations were examined in the submitted VIA.

View	Description	Predicted Effect
01	View from the Wyckham Roundabout looking SE	Moderate – Positive
02	View from Wyckham Way looking SE	Moderate – Positive
03	View from Wyckham Avenue looking SE	Moderate – Positive
04	View from Ballinteer Avenue looking NE	No Perceived Change
05	View from within Ardglas estate looking S	No Perceived Change
06	View from Parkvale residential estate looking NW	Moderate - Neutral
07	View from Ballawley Park looking NW	Moderate - Neutral
08	View from Wesley Heights looking N	Moderate - Neutral
09	View from Greenmount Lane looking E	Slight – Neutral
10	View from Overend Ave looking S	Moderate– Positive
11	View from M50 overbridge looking NE	Moderate– Positive

The EIA states that the extent of impact on the wider landscape will not be widespread given that the views of the site in most locations are constrained by

existing topography, vegetation and the existing built environment. Where visible the additional impact will not be excessive within the existing suburban context and given the sensitive design proposed. It is considered that the proposed development will have a moderate impact on the landscape at the local level by replacing an undeveloped vacant site with a large residential development. This will have a positive impact by contributing to the urban character of the area.

I do not agree with the assertions made in the EIAR in this regard. I am of the opinion that the proposal will be visible from the wider environment and will have impacts on the existing landscape as it changes from a greenfield site to that accommodating a development of the scale envisaged. While I do not have issues with the changing nature of the character of the site, I consider that the proposal, as submitted would have negative impacts on the landscape at this location in terms of visual impacts due to reasons for scale, mass, dominance and overbearing impacts. While I acknowledge that this is a greenfield site, in excess of 0.5 hectares which has the capacity to determine its own character and I am also cognisant of the heights and scale of development that has previously been permitted with the wider area, including the proximate developments on Wyckham Place which extend up to 8 stories, I consider that the proposal before me represents overdevelopment of the site.

In terms of impacts of the proposal on the Protected Structure, Gort Muire, without doubt, the most significant impact of the proposal will be the change of visual context in which the Protected Structures sit. I am of the opinion that the original setting of these structures has already been lost, given the extent of development previously permitted along Wyckham Place and also within the Walled Garden. The new development will be visible in the context of the Protected Structures and I do not have issue with this. However, I do have issue with the scale of that proposed, and extent of development along the boundary with the Protected Structure (see above for more detailed analysis).

There will also be visual impacts on the residential properties in the vicinity as the environment changes from a green field to a development of the nature proposed. This is not unexpected, given the urban location of the site close to the Major Town Centre of Dundrum. As currently proposed and as dealt with above, there are elements with which I am dissatisfied, namely the location of Block E, which prevents

against the retention of the open character of the 'INST' designated lands and also Blocks C and D, which due to their scale, extent and lack of differentiation between elements would read as an overly dominant addition to the skyline, would detract from the visual amenities of the area, would be excessively overbearing and may also have some impacts on the residential amenities of properties within Wesley Heights, although less so than otherwise, due to the orientation of these existing dwellings. Any concerns I have in relation to landscape and visual are planning matters and I do not have issue in this regard from an environmental perspective.

I have considered all of the written submissions made in relation to landscape and visual. I have serious reservations from a planning perspective. However, from an environmental perspective, I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of landscape and visual from an environmental viewpoint.

Traffic and Transportation

Section 11 of the submitted EIA deals with Traffic and Transportation. The matter of traffic and transport has also been dealt with in my assessment above and I refer the Bord to same.

During the construction phase, construction traffic travelling to the site will use the Wyckham roundabout for access. A Construction Traffic Management Plan (CTMP) will be implemented. Overall, it is anticipated that there will be a negative short-term slight impact to local traffic during the construction phase. During the operational phase, it is anticipated that there will be two distinct weekday peak times between 08.00-09.00 AM with 27 arrivals and 101 departures, during that time and between 18.00-19.00 PM with 95 arrivals and 51 departures. There is likely to be a long-term, imperceptible neutral impact on the surrounding roads as a result of the proposed development.

Cumulative impacts were also assessed. Mitigation measures have been proposed. It is considered that in urban areas a certain level of congestion is to be expected

during peak times and that the Wyckham roundabout has suitable capacity to cater for the proposed development within the norms of a busy urban environment.

I have considered all of the written submissions made in relation to Traffic and Transportation. I note the reports of the planning authority and NTA in this regard. I also note the submissions received from third parties and prescribed bodies. Further assessment has been undertaken by me within the main body of the report, see above. 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 Traffic and Transportation.

Material Assets

Section 12 of the submitted EIAR deals with Material Assets. Existing utilities services are described, together with predicted impacts and mitigation measures. There is an existing surface water sewer on Wyckham Avenue to the west of the site and a foul water sewer on Parkvale to the east of the site. Construction access to the site will be via Wyckham Avenue utilising the existing access to the site. This access will be managed in accordance with an agreed Construction & Environmental Management Plan (CEMP). The completed development will be accessed from Wyckham Avenue

Mitigation measures have been proposed. Predicted cumulative impacts are examined. Predicted impacts during construction stage are stated to be neutral, if mitigation measures are incorporated into the development with neutral long-term impact during the operational phase.

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.

Waste Management

Section 13 of the submitted EIAR deals with Waste Management. A site specific Construction and Demolition Waste Management Plan has been prepared for the construction phase of the development. In addition, an Operational Waste and Recycling Management Plan has been prepared for the operational phase of development. Estimates of waste generation during both the construction and operational phase of the proposed development have been calculated. No demolition works are required.

The implementation of the mitigation measures aims to ensure that a high rate of reuse, recovery and recycling is achieved at the development during both the construction and operational phases. It will also ensure that European, national and regional legislative waste requirements with regard to waste are met and that associated targets for the management of waste are achieved.

Potential cumulative impacts have been examined. During the construction phase, a planned approach to waste management and adherence to the C&D WMP will ensure that the impact on the environment will be short-term, neutral and imperceptible. During the operational phase, a structured approach to waste management will promote resource efficiency and waste minimisation and provided mitigation measures are implemented, the predicted impact on the environment will be long-term, neutral and imperceptible.

I have considered all of the written submissions made in relation to Waste Management. 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 Waste Management.

Cultural Heritage- Archaeology

Section 14 of the submitted EIAR deals with Cultural Heritage- Archaeology.

There are no recorded archaeological sites/features listed as being located within the boundary of the subject site. A tower house (DU022- 023001-) and an Anglo-Norman masonry castle (DU022-023002) (Dundrum Castle) are located 674m to the north of the subject site. A Tower House Castle site (DU022-024----) is located 548m to the east-south-east of the subject site. The subject site is located immediately beside sites of architectural heritage value, which are the following Protected Structures- Gort Muire (RPS No. 1453), which is an historic house, built in 1870, and referred to as 'Gortmore' on historic maps. The RPS listing includes the house and associated features, including a walled garden which adjoins the northern boundary of the site. Gort Muire Gate Lodge and Gates are also Protected Structures (RPS No 1446), but these are separated from the site by Wyckham Way (R826).

A programme of archaeological testing was completed in July 2020 and nothing of archaeological significance was noted during testing. It is recommended that the development proceed with no further archaeological mitigation. No significant cumulative impact has been identified.

It is anticipated that there will be no operational or setting impact on any recorded archaeological sites by the development.

The proximity of the proposed development to Gort Muire House, Protected Structure is noted (RPS No. 1453). There is the potential that the development could impact negatively on the setting of the house and its associated features. This matter is dealt with below, in the proceeding section. Any concerns I have in relation to architectural heritage are from a planning perspective, not an environmental perspective. While elements of the proposal may not be acceptable from a planning perspective, it would, in my mind, be acceptable in terms of EIA.

I have considered all of the written submissions made in relation to Cultural Heritage-Archaeology. I refer the Bord to my assessment of same above. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on Cultural Heritage-Archaeology are likely to arise.

Cultural Heritage- Architectural Heritage

Section 15 of the submitted EIAR deals with Cultural Heritage- Architectural Heritage. Whilst the subject site does not contain a Protected Structure, it does share a boundary to the west with the Gort Muire Centre, whose Water Tower, Garden Walls and Farm Building Complex, House, Ornamental Ironwork, Conservatory and Water Tower are protected (RPS Ref.1453). Protected Structures in the wider vicinity including Gortmore Gate Lodge; Homestead and Arglas, are not considered to be directly impacted by the proposed development due to pre-existing screening and distance. I would concur with this assertion. The site is not located within or adjacent to an Architectural Conservation Area.

The EIAR states that the subject lands are not considered to contribute to the setting or character of Gort Muire due to large-scale, 1960s building constructed along its southern boundary shared with the subject site. This building severed the visual connection between the 19th century water tower and the original house at Gort Muire.

The relationship of the subject site to the designed gardens to the west of Gort Muire is no longer perceptible on the ground. The tower itself is of limited architectural significance, however, it does contribute to the architectural character of the site. The EIAR states that the long-standing separation between lands associated with the Protected Structure in contrast with the uncultivated character of the subject development lands is such that the site is not considered to form part of the protected setting of the Gort Muire Centre. I would concur with this assertion and I note that on the ground, the subject site reads as being very much separate to the grounds of the Protected Structure. I also note that the primary aspect of the main house has historically been towards the extensive garden to the south-west and this condition has been accentuated by the construction of the 1960's extension, essentially directing outward vistas from the house towards gardens to the south and west. To the south of the house, the land slopes away dramatically towards the parkland gardens, focused on the artificial lake. Owing to the topography, the view of adjacent lands from the gardens, including the subject site is restricted and thus naturally protected.

The approach to the proposed development, which is routed to the east of the water tower and south of the walled garden will have no physical impact on the built fabric on the Protected Structure. The EIAR states that the proposed new development will have no physical impact on the adjacent Protected Structures. Visual impacts will be largely limited to the view from within later extensions of the Gort Muire complex where it is proposed to intensify boundary planting. The later mid-20th century extensions are of no particular architectural interest, which I would concur. I do not concur with the assertions made above in terms of visual impacts on the Protected Structure. While views of the proposed development will be limited from within the Protected Structures, the visual impact will be significant as there will be a change of visual context in which the Protected Structures sit. The new development will be visible in the context of the Protected Structures. This is not necessarily a negative. I have dealt with this matter above, in the main body of my assessment and will not reiterate except to say that the scale, massing and extent of development along the shared boundary with the Protected Structure is considered to be excessive and if permitted would detract from the character and setting of the Protected Structure.

I agree that the protected fabric of Gort Muire is somewhat shielded from the subject development site by a 1960's dormitory block, constructed in alignment with the shared southern boundary. The EIAR contends that this large-scale structure provides an inadvertent enclosure to the protected gardens, garden features and historic landscaping of the house, all of which are specifically cited in the RPS as contributing to its character and merit protection. I do concur with it creating an enclosure to the protected gardens and while I note its position and dominance, it must be acknowledged that it will only go some way in screening the proposed development from the Protected Structure. Its role in screening the proposed works has been somewhat over-emphasised in the documentation submitted in my opinion.

During construction phase, a risk is presented by the proposed construction route in proximity to flanking protected fabric, which will require careful mitigation and consideration under a construction management plan.

I have considered all of the written submissions made in relation to Cultural Heritage-Architectural Heritage. I refer the Bord to my assessment of same above. I note the reports of the planning authority and the Department in this regard. I also note the points raised in the third party submissions received in this regard. Again I reiterate

that my concerns raised relate to planning matters, not environmental matters. From an environmental viewpoint, I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on Cultural Heritage-Architectural Heritage are likely to arise

Interactions

Section 16 of the submitted EIAR provides a summary of principal interactions and inter-relationships, which have been discussed in the preceding chapters.

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.

Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and 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:

- Population and human health impacts mitigated by appropriate construction and operational management plans
- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices
- Soils and geology impacts mitigated by construction management measures including minimal removal of topsoil and subsoil; management and maintenance of plant and machinery; dust suppression measures.
- Hydrology and Water Services impacts to be mitigated by management of surface water run-off during construction while operational impacts are to be mitigated by surface water attenuation to prevent flooding.

- Landscape and Visual impacts which will not be avoided by conditions or best practice construction site management and by proposed landscaping.
- Cultural Heritage- Architectural Heritage impacts will not be mitigated by landscaping or construction methods
- Climate and Air Quality impacts mitigated by dust minimisation plan
- Traffic and Transportation impacts mitigated by the management of construction traffic; Construction and Environmental Management Plans
- Noise and Vibration impacts mitigated by adherence to requirements of relevant code of practice.

The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). The assessments provided in the individual EIAR chapters are considered satisfactory. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or requiring substantial amendments to it.

13.0 Conclusion and Recommendation

- 13.1 In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established suburban area where a wide range of services and facilities exist. In my opinion, the proposal would provide a quality standard of development, in terms of finishes, materials, elevational treatments and standard of residential support facilities. An appropriate mix of units is proposed. I am satisfied with the overall number of dual aspect units, notwithstanding the misleading figure supplied in the documentation. I am also satisfied with the overall height proposed, and while I acknowledge that it represents a material contravention of the operative County Development Plan, I consider that it is open to the Bord to grant permission in this instance. I do consider, however, that a greater transition in heights is required, in

particular with regards the blocks proposed nearest the existing residential properties and the Protected Structure.

- 13.2 I consider that the proposal does not represent an appropriate quantum of development for the site, given the 'INST' designation, and as proposed the requirement to retain the open character of the lands is not being achieved. I consider that the proposal represents a material contravention of the operative County Development Plan in this regard and draw the attention of the Bord that the matter has not been dealt with in the submitted Material Contravention Statement.
- 13.3 I also have concerns as outlined above with regards the impacts of the proposal on the visual and residential amenities of the area, with particular concerns regarding the scale and massing of the proposal and the transition to sensitive receptors. If the Bord is disposed towards a grant of permission, I am of the opinion that Blocks E and D should be omitted from the proposal and these areas incorporated into the public open space provision. There may be scope for the provision of much reduced Block D, in terms of footprint, at a future date but this would require a separate grant of permission. The omission of Block E would also aid in reducing the scale of the development closest to the Protected Structure. The reduction in footprint and greater transition in height would also be required for Block C. I also consider an increase in the separation distances between Blocks F and G so as to aid in retaining the open character of the lands and also to allow for greater visibility through the blocks to the Protected Structure and its associated lands.
- 13.4 While I am of the opinion that the height of the proposal is acceptable in principle, I consider that elements of the Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018 are applicable. I am of the opinion that the applicant has not adequately demonstrated that at the scale of the city and given the constraints surrounding the site, including the Protected Structure and domestic scale dwellings that the proposed development would successfully integrate with existing development in the vicinity. It is also considered that at the scale of district/neighbourhood/street, the proposal does not respond well to its overall natural and built environment nor does it make a positive contribution to the urban neighbourhood at this location. I am also of the opinion that the proposal is not in compliance with Criteria No. 1 'Context' of the Urban Design Manual. The

development does not seem to have evolved naturally as part of its surroundings. I would question whether the proposal respects the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring users and I consider that the development does not positively contribute to the character and identity of the neighbourhood.

- 13.5 I considered dealing with the above issues by means of condition. However, I consider at this point that the proposal requires a comprehensive re-examination and re-design to deal with the issues raised above. Other matters of concern include that a Masterplan document for the overall institutional lands has not been submitted as required under section 8.2.3.4(xi) of the operative County Development Plan. This is a requirement of the 'INST' designation and I question why it was not submitted.
- 13.6 Other issues are noted, (while the proposal may be adequately assessed in their absence), are shortcomings like the limited number of photomontages given the scale of the development and its proximity to the Protected Structure, together with the lack of analysis relating to VSC in the daylight/sunlight report submitted.
- 13.7 In terms of parking provision, the Build-to-Rent nature of the development is noted. I note that reduced levels of parking have been permitted on similar SHD applications within the wider area, on sites with similar locational contexts. I consider that the reduced parking provision does not represent a material contravention of the operative County Development Plan. Given the locational context of the site, proximate to good quality public transport in an area of high employment generation, I consider that the parking provision as proposed is acceptable. I have no information before me to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road user in the vicinity.
- 13.8 For the reasons outlined above, I consider that the proposal is not in compliance with the proper planning and sustainable development of the area and I recommend that permission is refused, for the reasons set out below.

14.0 Reasons and Considerations

1. The subject site has an 'INST' (Institutional Land) designation as listed on the County Development Plan Map Index under 'Other Objectives', which seeks 'to

protect and/or provide for Institutional Use in open lands'. Policy RES5 and section 8.2.3.4(xi) of the Dun Laoghaire- Rathdown County Development Plan 2016 seeks to, *inter alia*, retain the open character and/or recreational amenity of such institutional lands. The proposal, by reason of its excessive scale, massing, development footprint and lack of meaningful open space provision fails to comply with this policy of the aforementioned Plan and the open character of the lands is not being sufficiently retained. The proposal is therefore considered to represent a material contravention of the Dun Laoghaire Rathdown County Development Plan 2016 in this regard.

In addition, the applicant has failed to submit a masterplan for the overall institutional lands, as required by section 8.2.3.4(xi) of the Dun Laoghaire Rathdown County Development Plan 2016.

Having regard to all of the above, the proposal is considered to be unacceptable and inconsistent with the proper planning and sustainable development of the area

2. It is considered that the proposed design strategy, by reason of its excessive scale, massing, dominant form, overbearing impacts and insufficient transition provision, proximate to an architecturally sensitive site 'Gort Muire' and domestic scale dwellings, does not provide the optimal design solution for the site having regard to the site's locational context and is considered not to be in compliance with Criteria No. 1 of the Urban Design Manual 'Context', published by the Department of Environment, Heritage and Local Government, 2009. The proposal is considered not to respect the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring users and the development does not positively contribute to the character and identity the urban neighbourhood at this location. Having regard to all of the above, the proposal is considered to be unacceptable and contrary to the proper planning and sustainable development of the area.

Recommended Draft Bord Order

Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire Rathdown County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 11th day of September 2020 by 1 Wyckham Land Limited, care of McGill Planning, 45 Herbert Lane, Dublin.

Proposed Development:

A planning permission for a strategic housing development at 'Marmalade Lane', Wyckham Avenue, Dundrum, Dublin 16. The application site includes lands formerly part of/owned by the Gort Muire Carmelite Centre and is located adjacent to Protected Structures (RPS No. 1453).

The development will comprise a 'Build to Rent' (BTR) apartment development consisting of 7 no. blocks ranging in height up to 9 storeys (and including two levels of basement/undercroft located in the northern portion of the site).

628 no. apartments are proposed comprising 279 no. 1 -beds 318 no. 2-beds & 31 no. 3-beds. All residential units provided with associated private balconies/terraces to the north/south/east/west elevations. The BTR development will also include Resident Support Facilities & Resident Services & Amenities (total floor area c.3897 sq.m) including reception, parcels/delivery area, store areas, co-working spaces, residents lounge, games room, cinema/function room, music room, dining area, meeting room, gym, dog grooming, breakout areas, management offices and showroom. The development also includes a creche (c.620 sq.m), 'Grab 'n go' retail unit (c.18 sq.m) and café (c.143 sq.m).

Provision of 278 no. car parking spaces, 1,354 no. cycle parking spaces and 21 no. motorcycle spaces. Vehicular/pedestrian/cyclist accesses including from Wyckham Avenue and including improvement works to the existing Carmelite Centre access road and entrance.

All associated site development works, open spaces, roof gardens, landscaping, boundary treatments, plant areas, waste management areas, cycle parking areas, and services provision (including ESB substations).

The application contains a statement setting out how the proposal will be consistent with the objectives of the relevant Dun Laoghaire Rathdown County Development Plan 2016-2022. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

An Environmental Impact Assessment Report has been prepared in respect of the proposed development.

Decision

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

Matters Considered

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

Reasons and Considerations

1. The subject site has an 'INST' (Institutional Land) designation as listed on the County Development Plan Map Index under 'Other Objectives', which seeks 'to protect and/or provide for Institutional Use in open lands'. Policy RES5 and section 8.2.3.4(xi) of the Dun Laoghaire- Rathdown County Development Plan 2016 seeks to, *inter alia*, retain the open character and/or recreational amenity of such

institutional lands. The proposal, by reason of its excessive scale, massing, development footprint and lack of meaningful open space provision fails to comply with this policy of the aforementioned Plan and the open character of the lands is not being sufficiently retained. The proposal is therefore considered to represent a material contravention of the Dun Laoghaire Rathdown County Development Plan 2016 in this regard.

In addition, the applicant has failed to submit a masterplan for the overall institutional lands, as required by section 8.2.3.4(xi) of the Dun Laoghaire Rathdown County Development Plan 2016.

Having regard to all of the above, the proposal is considered to be unacceptable and inconsistent with the proper planning and sustainable development of the area

2. It is considered that the proposed design strategy, by reason of its excessive scale, massing, dominant form, overbearing impacts and insufficient transition provision, proximate to an architecturally sensitive site 'Gort Muire' and domestic scale dwellings, does not provide the optimal design solution for the site having regard to the site's locational context and is considered not to be in compliance with Criteria No. 1 'Context' of the Urban Design Manual, published by the Department of Environment, Heritage and Local Government, 2009. The proposal is considered not to respect the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring users and the development does not positively contribute to the character and identity the urban neighbourhood at this location. Having regard to all of the above, the proposal is considered to be unacceptable and contrary to the proper planning and sustainable development of the area.

Lorraine Dockery

14/12/2020.

Lorraine Dockery

Senior Planning Inspector

14th December 2020

DECISION QUASHED