



An
Bord
Pleanála

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

Inspector's Report ABP-310882-21

Strategic Housing Development

Demolition of existing AstroTurf and hardcourt area, construction of 256 no. Build to Rent apartments, creche and associated site works.

Location

Lands associated with St. Laurence College, Wyattville Park, Loughlinstown, Co. Dublin.
(www.n11wyattvilleparkbtrshd.com)

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Green Urban Living N11 Limited

Prescribed Bodies

Inland Fisheries Ireland
Irish Water
Transport Infrastructure Ireland

Observer(s)

Aidan Byrne
Anita Knight
Anna Roe
Anne Bennett
Anne Marie Deegan
Anthony and Ann Corcoran
Aishling and Greg Sheridan
Avanti and Gaurav Kundarap
Billy Patton
Breandan O Loingsigh
Brian Phillips
Claire Nealon
David & Eilís Bennett
Denise Brennan
Dragan Novak
Eanna and Patricia Johnson
Edward Taylor
Eimear Jordan
Felix and Ute Soden
Frank Scott-Lennon
Gavan Sheridan
Geoffrey & Susan Barry
Gillian Avecedo
Helen and Liam Breathnach
Helen Meehan
Hobbs Family
Hugh Byrne
Iwona McKenna

James and Olive Hayde
Jane Flaherty
John and Emma Matthews
John and Liz Knight
John and Tara Seagrave-Daly
John Cannon
John Moran
JP and Cliona Johnson
Karunesh Pandey
Killian O'Reilly
Lee Bonas
Mark O'Connor and Nuria O'Donovan
Landaluce
Mary Moran
Maurice Ken Doyle
Meg Cooney
Michael O'Connor
Michael P Carroll
Muireann Lynch
Murphy Household
Niall and Amy Collins
Niall McGowan and Family
Norman Freeman
Pamela Byrne
Peter and Carol Keane
Peter and Ciara Mahoney
Peter O'Connor
Polly Byrne
Rebekah McDonough

Redmond Brennan Family
Regina Brennan
Resident of 90 Wyattville Park
Richard Boyd Barrett
Rob and Anne Clarke
Robert Marshall
Rory Finnie
Rory McDonald
Rosemarie Carroll
Sheelagh Barrett and Paul D Griffin
Stephanie and Dermot Casey
Stephen and Mary Molloy
Stephen Healion
The Marianists of Ireland
Tom and Aoife Berrigan
Tom and Jacki Ascough
Victoria Janssens and Philip Corr
Wyattville Residents
Wyattville Residents Association

Date of Site Inspection

9th September 2021

Inspector

Sarah Moran

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Appendix I: EIA Screening Form

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The application site is located within the grounds of St. Laurence College, Loughlinstown, Co. Dublin. This is an established residential suburb situated approximately 5 km south of Dún Laoghaire and approximately 6 km south-east of Sandyford. It is also close to the Cherrywood Strategic Development Zone (SDZ). The site faces onto the N11 and is accessed from Wyattville Park, a residential estate, that is in turn accessed from Wyattville Road (R118). The immediate surroundings of the site are as follows:
- Wyattville Park to the east and southeast
 - Shanganagh Vale to the north west of the grounds of St. Laurence College.
 - The north eastern edge of the site is bordered by the current entrance to the school from Wyattville Park, also houses within Wyattville Park.
 - The northern and western edges of the site are bordered by the school lands, including playing pitches and school building.
 - The western side of the site is bound by the N11.
- 2.2. The site has a stated area of c. 3 ha and is located at the southern end of the overall school lands. It mainly comprises a grassed field and an AstroTurf sports facility and includes the current entrance to St. Laurence College from Wyattville Park and an area in front of the school currently used for staff and visitor parking. There is an existing public pedestrian access to the school grounds from the N11, connecting to Wyattville Park, which traverses the development site. The site also includes an area at the roadside margin of the N11 that is in the ownership of Dun Laoghaire Rathdown County Council (DLRCC). A letter of consent from the Council is submitted with the application.

3.0 Proposed Strategic Housing Development

3.1. The following key parameters of the development are noted:

| | |
|---|---|
| Site Area | c. 3 ha |
| Residential Units | 256 no. BTR units |
| Total Gross Resi Floorspace | 24,195 sq.m. |
| Building Height | 1 – 8 storeys |
| Residential Density | 134.7 units/ha |
| Aspect (apartments) | c. 53% |
| Public and Communal Open Space | Communal open space in podium courtyards with play facilities (2,244 sq.m) and public open space with play facility (4,378 sq.m). |
| Childcare | Crèche (363 sq.m) providing 29 no. childcare spaces with outdoor play area (101 sq.m) at Block A lwr ground floor |
| Part V | 25 no. units on-site to be leased to DLRCC Housing Dept. |
| Roads / Vehicular / Pedestrian Access | New multimodal entrance from Wyattville estate, separate from the existing vehicular/pedestrian entrance from Wyattville to St. Laurence College. New pedestrian/cycle link from the N11 to Wyattville, accessible to the public and to emergency vehicles. |
| Car and Cycle Parking | 200 no. car parking spaces (0.78 spaces/apt) 583 no. resident and visitor bicycle parking spaces |
| Residents Support Facilities, Services and Amenities | Concierge, lobbies/lounges, communal workspaces, meeting rooms and residents only gym (946 sq.m) |
| Non-residential | Café (135 sq.m) at Block A lower ground floor |
| Ancillary Development | Demolition of existing AstroTurf and hardcourt area (2,812 sq.m.) Partial demolition of existing wall at Wyattville Park to facilitate temporary site access and temporary removal of part of the existing wall fronting the N11 at the southwestern corner of the site to facilitate construction access via the N11 slip road. |

3.2. The development comprises 256 no BTR apartment units as follows:

| Unit Type | No. of Units | % |
|--------------|--------------|-----|
| 1 bed | 105 | 41% |
| 2 bed | 145 | 57% |
| 3 bed | 6 | 2% |
| Total | 256 | |

3.3. The development comprises four no. apartment blocks as follows:

Block A (6,375 sq.m GFA): 1-5 storeys over lower ground floor level. 59 no. apartments comprising 22 no. 1-bed apartments and 37 no. 2-bed apartments. Crèche (363 sq.m GFA) with outdoor play area (101 sq.m) and café (135 sq.m GFA) at lower ground floor level.

Block B (5,930 sq.m GFA): 1-7 storeys. 65 no. apartments comprising 39 no. 1-bed apartments, 23 no. 2-bed apartments and 3 no. 3-bed apartments.

Block C (6,447 sq.m GFA): 1-6 storeys. 68 no. apartments comprising 22 no. 1-bed apartments and 46 no. 2-bed apartments.

Block D (6,172 sq.m GFA): 1-8 storeys. 64 no. apartments comprising 22 no. 1-bed apartments, 39 no. 2-bed apartments and 3 no. 3-bed apartments.

3.4. The application also involves new development in the remaining grounds of St. Laurence College comprising a revised access and egress arrangement to Wyattville Park; a new AstroTurf pitch to the north east of the school buildings with associated floodlighting and 3 m ball stop netting over a 2.4m perimeter fence and a bin store/vehicle shed (106 sq.m. GFA).

3.5. The application includes a draft Section 47 Agreement between the applicant and Dun Laoghaire Rathdown County Council (DLRCC), which states that the developer agrees with the Council to restrict and regulate the development for the period of 15 years from the date of the planning permission, such that the development shall remain owned and operated by a single entity and no individual residential unit within the development may be sold or rented separately.

3.6. The application is accompanied by a Material Contravention Statement, an EIA Screening Report, an AA Screening Report, and a Masterplan for the St. Laurence College lands.

4.0 **Planning History**

4.1. There have been several permissions relating to the school grounds. Permission was granted to upgrade tennis courts to AstroTurf playing pitches and floodlighting under ref. **D08A/0156 PL06D.204799**. Permission was granted for extensions to the school buildings under ref. **D07A/0893**. Other permissions relate to minor school development and sports facilities. Part of the site was included on the overall Cherrywood lands.

5.0 **Section 5 Pre Application Consultation**

5.1. **Pre-Application Consultation ABP-306202-19**

5.1.1. The pre-application consultation related to a proposal to construct 303 no. BTR apartments and a creche at the site. A section 5 consultation meeting took place on 6th February 2020 between representatives of ABP, the planning authority, and the prospective applicant. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, the Board issued an Opinion on 21st February 2020 that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.

5.1.2. The issues raised were as follows:

1. Interface with N11

Further consideration of the documents as they relate to the elevation treatment and building presentation to the N11. This further consideration should have regard to the advice provided by the 'Urban Development and Building Heights Guidelines for Planning Authorities' – 2018, specifically section 3.0 Building Height and the Development Management process and the criteria contained therein.

Photomontage and computer generated images should also be used to better illustrate the visual impact of the development on the wider area. Detailed cross

sections at regular intervals should show the relationship between building, landscaped margin, and road, together with cross sections that show the relationship of the proposed development to adjacent homes. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Pedestrian Permeability

Further consideration of the documents as they relate to pedestrian permeability and the accessibility of the site to locally available public transport and the emerging Cherrywood Town Centre with respect to sustainable transportation. This further consideration should detail and map all relevant local facilities and services such as parks, schools, commercial services, and public transport networks amongst other things. Pedestrian and cyclist routes should also be detailed on and off the site, with particular attention for accessibility to and from the N11 having regard to convenience and safety. Pedestrian and cyclist permeability through the site should also be shown in the context of the masterplan exercise for the entire school lands, where student and teacher accessibility is of importance. The internal layout of the entire site should comply with the advice provided by the Design Manual for Urban Roads and Streets and put the pedestrian and cyclist first in the design process. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

5.2. **Applicant's Response to Pre-Application Opinion**

5.2.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which outlines the information / documentation submitted as specified in the ABP Opinion. It includes a detailed response to each of the matters raised in the Opinion, which may be summarised as follows.

5.2.2. Response to Interface with N11

- The design of the development has evolved since pre-application stage. The massing of the N11 elevations has been broken down into separate elements to avoid uninterrupted, monolithic blocks. The massing has also been distributed by, inter alia, reducing the height of the buildings and incorporating appropriate levels and distribution of fenestration.

- This matter is addressed in the Design Statement. CGIs and photomontages are also submitted. Detailed cross sections are provided to show the relationship between building, landscaped margin, and road, and to show the relationship of the development to adjacent residential properties.

5.2.3. Response to Pedestrian Permeability

- The site immediately adjoins the N11 and its associated Quality Bus Corridor (QBC) and is close to Cherrywood Luas Stop and Killiney Dart Station.
- The submitted Social Infrastructure Audit identifies 188 local services and facilities in the vicinity of the site including health services and facilities, childcare and education facilities, community services and facilities, sports and recreation facilities, commercial services, faith facilities and emergency related infrastructure, were identified. This is sufficient provision of social infrastructure to support the population of the area.
- The site layout site has been designed with regard to the principles and requirements of DMURS to prioritise pedestrians, cyclists, and users of other modes of transport that involve physical activity, as per the submitted DMURS Compliance Statement. Pedestrian and cycle permeability through the site is also demonstrated in the submitted St Laurence College Masterplan. Particular regard has been had to the convenience and safety of the proposed pedestrian/cycle link from the N11 to Wyattville. The application includes a Quality Audit which identifies the safety implications of the pedestrian/cycle link and assesses its potential usability/accessibility for pedestrians and cyclists. The Audit indicates that the pedestrian/cycle link will not give rise to a substantive increase in informal pedestrian/cyclist crossings of the N11 at this location.

6.0 **Relevant Planning Policy**

6.1. **Section 28 Ministerial Guidelines**

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Design Standards for New Apartments Guidelines for Planning Authorities (as updated 2020)
- Design Manual for Urban Roads and Streets (DMURS)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) 2009
- Childcare Facilities Guidelines for Planning Authorities
- Urban Development and Building Heights Guidelines for Planning Authorities
- Guidelines Regarding the Regulation of Commercial Institutional Investment in Housing (May 2021)

6.2. **Project Ireland 2040 National Planning Framework**

- 6.2.1. The National Planning Framework (NPF) is a high-level strategic plan shaping the future growth and development of Ireland to 2040. The NPF includes 75 no. National Policy Objectives. The following objectives are of note:

NPO 3(a) Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

NPO 3(b) To deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway, and Waterford, within their existing built-up footprints.

NPO 4 To ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

NPO 11 In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns, and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 13 In urban areas, planning, and related standards, including 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.

NPO 27 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.

NPO 33 Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 35 To increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.3. Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031

- 6.3.1. The Dublin Metropolitan Area Strategic Plan (MASP) is an integrated land use and transportation strategy for the Dublin Metropolitan Area, which seeks to manage the sustainable and compact growth of the Dublin Metropolitan Area. The following Regional Policy objectives are noted in particular:

RPO 3.2 Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 4.3 Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

RPO 5.3 Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public

transport use and creating a safe attractive street environment for pedestrians and cyclists.

RPO 5.4 Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing: Design Standards for New Apartments’ Guidelines and ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

RPO 5.5 Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

6.4. Dun Laoghaire Rathdown County Development Plan 2016-2022

6.4.1. The site is located on land zoned ‘Objective A - to protect and/or improve residential amenity’. The site is also subject to the INST Special Local Objective ‘to protect and/or provide for Institutional Use in Open lands’.

6.4.2. The following development plan policies and objectives are also noted in particular:

Policy RES3: Residential Density

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. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines

- Sustainable Residential Development in Urban Areas
- Urban Design Manual – A Best Practice Guide
- Quality Housing for Sustainable Communities
- Irish Design Manual for Urban Roads and Streets

- National Climate Change Adaptation Framework – Building Resilience to Climate Change

Policy RES4: Existing Housing Stock and Densification

It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities

Policy RES5: Institutional Lands

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.

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.

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).

In the development of such lands, average net densities should be in the region of 35 - 50 units/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.

In cases of rationalisation of an existing institutional use, as opposed to the complete cessation of that use, the possible need for the future provision of additional facilities related to the residual retained institutional use retained on site may require to be

taken into account. (This particularly applies to schools where a portion of the site has been disposed of, but a school use remains on the residual part of the site.)

Policy RES7 Overall Housing Mix

It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.

Policy RES14 Planning for Communities

It is Council policy to plan for communities in accordance with the aims, objectives and principles of 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual – A Best Practice Guide'. In all new development growth areas, and in existing residential communities it is policy to ensure that proper community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential developments and proposed renewal/redevelopment areas, in accordance with the concept of sustainable urban villages outlined under Policy RES15.

Policy SIC8 Schools

It is Council policy to ensure the reservation of primary and post-primary school sites in accordance with the requirements of the relevant education authorities and to support the provision of school facilities and the development / redevelopment of existing schools throughout the County.

- 6.4.3. Development plan Chapter 8 provides guidance on urban design, including section 8.2.3 providing development management standards for apartment developments. The plan includes an Advisory Note, which states that the standards and specifications in respect of apartment development as set out in section 8.2.3.3. (i), (ii), (v), (vii) and (viii) have been superseded by the Apartment Guidelines, including the mandatory SPPRs within same. The SPPRs of the Apartment Guidelines take precedence over the development plan standards and specifications as set out in Section 8.2.3.3. In addition, section 8.2.12.4 provide guidance on school development. The following policies are also noted in particular:

Policy UD1: Urban Design Principles

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: Building Height Strategy

It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County. The principles are set out in Appendix 9 of the County Development Plan.

6.5. Statement of Consistency

- 6.5.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016. The Statement considers compliance with national, regional strategic planning policy and guidance documents and local policy documents.
- 6.5.2. The Statement makes the following points in relation to national and regional planning policies:
- Refers to NPF NPO 35 in relation to consolidation of existing urban areas, infill development, increased densities, and increased building heights.
 - Refers to RSES RPO 4.3. The development will provide housing on an underutilised site at a sustainable location close to existing services, facilities and infrastructure and well served by public transport. The development has an appropriate density, ensuring the efficient use of the site with a high-quality development.
 - Refers to Pillar 2 of Rebuilding Ireland as 10% of units within the development will be leased to DLRCC Housing Dept. Refers to Pillars 3 and 4 of Rebuilding Ireland as the development will increase housing supply and improve the mix of housing available to rent in the area.

- Refers to SPPR 1 of the Building Height Guidelines. The site is located on the N11 public transport corridor with strong connections to Dublin city centre. The development will deliver increased building height and density in a suitable location. Provides a detailed rationale of the development with regard to the criteria set out in section 3.2 of the Building Height Guidelines.
- A Housing Quality Assessment is submitted such that the development complies with the provisions of the Apartment Guidelines.
- This location is suited to higher density development as per the Sustainable Residential Development Guidelines. The submitted Design Statement includes a response to the 12 Criteria of the Urban Design Manual.
- The application includes a Childcare and School Demand Assessment. A creche is provided within the development, which will meet the assessed childcare demand generated by the development.
- The applicant has engaged with DLRCC Housing Dept. and reached an agreement in principle regarding Part V that 25 no. units on-site will be leased on a long-term basis to the Housing Dept.
- The application includes a Site Specific Flood Risk Assessment (SSFRA) in response to the Flood Risk Management Guidelines.
- A Statement of Consistency with DMURS is submitted.

6.5.3. The Statement makes the following points in relation to development plan policies:

- The height and density of the development are not typical of the immediate surrounding area. However, heights are treated sensitively through appropriate design, stepping and massing. In addition, the development is not located in an area that exemplifies Victorian era to early-mid 20th century suburban 'Garden City' planned settings or estates, where such standards particularly apply.
- The development will retain the open character of the existing lands and the integrity of the St. Laurence College building as per the INST SLO. The development has regard to the future needs of the school and does not impede on its potential for future expansion. The provision of a minimum of 25% open space will be maintained on the school lands and within the lands of the proposed development.

- Refers to the Sustainable Residential Development Guidelines regarding residential density as per Policy RES3.
- A rationale for the proposed housing mix is submitted with regard to census data for Dún-Laoghaire Rathdown in response to Policy RES7.
- The development does not meet the 20 sq.m. of open space per person based on the occupancy rate as per the development plan. Communal open spaces have been incorporated and are accessible to all residents of the development. They are well overlooked and sympathetically located to complement the layout of the development.

6.6. **Statement of Material Contravention**

6.7. The applicant has submitted a Statement of Material Contravention in relation to the following matters:

- Institutional Designation and Open Space Requirement
- Institutional Designation and Density
- Building Height.

The points made in relation to these issues may be summarised as follows.

6.8. Material Contravention Statement in Relation to Open Space

- A substantial decline in enrolment numbers at the school has resulted in the site being underutilised. There is no longer a demand for open space at the current scale and the development therefore represents a more efficient use of serviced land at a high-quality public transport corridor. The submitted Masterplan demonstrates the ability of the school site to absorb development whilst ensuring that the integrity of the school use is retained.
- The Statement provides a calculation of the proposed open space provision with regard to the requirements of development plan section 8.2.8.2, such that the development generates a requirement for a provision of between 5,940 sq.m. and 7,920 sq.m. of open space. This exceeds 25% of the site area, which is 1.47 ha. Development plan section 8.2.8.2 refers to 'open space' as comprising public and/or communal open space.

- The existing quantum of open space within the entire school land holding is 3.98 ha of c. 67% of the overall lands (5.90 ha). The development (including the provision of 6,622 sq.m of public and communal open space) will result in a post development remaining provision of 2.94 ha of open space equating to over 49% of the entire institutional lands, which is substantially in excess of the 25% development plan requirement. The development therefore does not materially contravene the development plan in relation to this matter.
- The school lands are currently largely defined by flat, expansive areas of open space to the south of the school building adjacent the N11, which are used by the school as playing pitches and incorporate an AstroTurf pitch at the development site. The development includes the provision of a new AstroTurf pitch at an improved location closer to the school building. The remainder of the school lands outside the development site will be retained as open space by the school, thus preserving their open character. The positioning of the proposed apartment blocks in a vertical and linear fashion along the eastern boundary allows the development to appear as secondary to the expansive area of adjoining open space within the wider lands. The blocks are broken up by areas of public and communal open space which further softens their visual prominence and contributes to retaining the open character of the institutional lands.
- The provision of over 6,000 sq.m of new high quality and usable public and communal open space within the development site will be of significant amenity value to tenants of the apartment units and to the general public.
- It is submitted that the proposed development does not materially contravene the development plan in respect of the quantum of open space provided. However, a precautionary approach has been adopted through the submission of the Material Contravention Statement in case Board wishes to invoke the provisions of Section 37(2)(b).

6.9. Material Contravention Statement in Relation to Density

- Development plan Policy RES5 states that development at institutional lands 'should' be in the region of 35-50 units/ha. This is exceeded by the proposed residential density of 134.7 units/ha. The inclusion of the word 'should' in Policy RES5 suggests that the planning authority recognises that, subject to good

quality urban design and relating to schemes on sites at strategic locations, there will be instances where densities above 50 units/ha can be permitted.

- Refers to Policy RES3, which provides for higher residential densities above 50 units/ha within c. 1 km of public transport corridors, in accordance with national planning policy objectives that support increased densities at suitable locations and seek to encourage compact urban growth. It is submitted that the development does not materially contravene the development plan as RES3 permits increased residential densities at this location.
- The location of the site immediately adjacent to the N11 QBC permits the delivery of higher density development in accordance with Section 28 ministerial guidelines.
- Refers to national planning policy objectives to deliver sustainable housing to accommodate an expanding population, particularly in the Dublin Region, and to ensure efficient land use with higher density residential development, including NPO 3a, NPO 11, NPO 13, NPO 33 and NPO 35. Regional policy objectives, specifically RPO 3.2, RPO 4.3 and RPO 5.5. Refers to the Sustainable Residential Development Guidelines, which recommend minimum net densities of 50 units/ha, subject to appropriate design and amenity standards, within public transport corridors, with the highest densities being located at rail stations/bus stops.

6.10. Material Contravention Statement in Relation to Building Height

- The development plan Building Height Strategy states that apartment developments should generally be 3-4 storeys in residential areas subject to 'upward modifiers' that apply at the N11 corridor, such that there is a limit of 6 storeys at the development site.
- The N11 corridor is a strategic location that is suitable for higher densities and increased building heights in accordance with sustainable development patterns. It is submitted that the objectives of the development plan Building Height Strategy are conflicting as the Strategy encourages greater height along the N11 corridor with no numerical limitation explicitly applied, recognises the established building height greater than 6 storeys in the area but appears to permit a height of 6 storeys through the application of the 'upward modifiers' in Residual

Suburban Areas. Further ambiguity exists in the Building Height Strategy whereby it states that the increase in height where Upward Modifiers apply “will normally be one floor or possibly two.” The inclusion of the word ‘normally’ suggests that the planning authority recognises that there may be instances where upward modifiers may in fact exceed one or two storeys. It could be reasonably interpreted that the development does not materially contravene the development plan in respect of building height due to its strategic location along the N11 transport corridor and to the established precedent for increased height above 6 storeys in the area.

- Refers to section 3.1 of the Building Height Guidelines, which states a presumption in favour of buildings of increased height in town/city cores and in other urban locations with good public transport accessibility. The Statement provides a rationale in response to the criteria set out in section 3.2 of the Building Height Guidelines.
- Refers to section 3.2 and SPPR 3 of the Building Height Guidelines.

Section 6.0 of the Statement provides a list of SHD developments in the Dun Laoghaire Rathdown area where increased heights and residential densities have been permitted:

- ABP-308157-20 Marmalade Lane, Dundrum, Dublin 16
- ABP-305261-19 Dundrum Town Centre, Dublin 16
- ABP-305940-19 Former Aldi Site, Carmanhall Road, Sandyford, Dublin 18
- ABP-300520-17 Blakes and Esmonde Motors Site, Stillorgan, Co. Dublin

6.11. It is submitted that the Board may grant permission for the development with regard to the provisions of section 9(6) of the Planning and Development (Housing) Residential Tenancies Act 2016 and section 37(2)(b) of the Planning and Development Act 2000 (as amended). The Statement does not specifically set out which parts of section 37(2)(b) are considered to apply in this instance.

7.0 Third Party Submissions

7.1. Submissions by Local Residents

7.1.1. There is a substantial number of submissions from individual local residents, primarily residents of Wyattville Park and Shanganagh Vale, as well as other nearby residential areas. There are group submissions by or on behalf of the Wyattville Residents and Wyattville Residents Association. There are also submissions by the elected representatives Richard Boyd Barrett T.D. and Cllr Melisa Halpin. The main points raised in the third party submissions may be summarised as follows.

7.1.2. Third Party Comments on Principle, Density of Development and Housing Mix

- Local infrastructure, services and amenities are already under strain from several new residential developments in the area, including Cherrywood SDZ, and cannot cater for the proposed development.
- The development will involve the loss of green space in the area and the removal of sporting facilities for St. Laurence College, with adverse impacts on the school population and contrary to national policies to promote activity amongst young people. The existing sports facilities are also used by many local clubs and are a safe green space for local children and other residents.
- The proposed residential density is over four times that of surrounding residential areas and will result in overdevelopment of the site.
- The density is excessive notwithstanding the provisions of RES3 and RES5 due to the inadequate roads capacity of the local road network, to the overbearing impact of the development, to other adverse impacts on residential amenities and to the need to retain open space for the future provision of additional school facilities.
- The development contravenes development plan policy on housing mix due to the high percentage of one bed units.
- The proposed BTR development will not address the housing crisis in the area as it will provide transient accommodation and will not provide accommodation for families. The BTR development will not accommodate people seeking to live in

the area long term. There is already a significant amount of BTR development in the area, including developments at Cherrywood, Lehaunstown and Shankill.

- According to a report by the Deputy Planning Regulator, permission has already been granted for over 6,800 units over those provided for under the County Development Plan.
- Concerns about the future of St Laurence College if the development is permitted and whether it will remain in educational use.
- The development is premature pending the preparation of a Masterplan for the overall landholding of the Marianists.

7.1.3. Third Party Comments on Building Height

- The proposed eight storey development is excessive in height and out of keeping with the area and surrounding existing two storey housing developments.
- There are no high rise developments on the north eastern side of the N11 at this location, any high rise development is to the south west. The development would set an undesirable precedent of excess height at this part of the N11.
- The applicant has incorrectly interpreted the Building Height Guidelines. There is insufficient evidence regarding the capacity of public transport services at this location, which is necessary to determine whether the SPPRs of the Building Height Guidelines can be applied. The development plan has not imposed a blanket restriction on height as it provides a detailed and clear set of policies to accommodate a range of building heights. It is clear that the overarching policy aims of the guidelines have already been satisfied through the statutory development plan and there is no need for SPPR 3 to be applied. The applicant has erroneously interpreted the Guidelines as a policy which may be used to override all limitations on height in a development plan.
- The development does not meet the criteria of SPPR3 of the Building Height Guidelines as the development does not integrate with or enhance the character of the area and does not respond to the natural or built environment or make a positive contribution to the urban neighbourhood or streetscape.

- The development contravenes the development plan Building Height Strategy as it would detract significantly from the quality of the residential environment and public realm.

7.1.4. Third Party Comments on Design and Layout of Development

- The development does not provide a minimum distance of 22 m between apartment blocks, as required by development plan section 8.2.3.3 (iv).
- The development does not provide the 20 sq.m. per person quantum of open space required under development plan section 8.2.8.2. Almost half of the open space provided is unusable as it is in the form of narrow strips or fragments of open space. The central area of open space is almost entirely taken up with an attenuation area and should not form part of the open space calculation. The southern area of open space between Blocks C and D is overshadowed with a consequent low standard of amenity.
- Only 8 no. apartments are larger than 80 sq.m., or c. 3% of the development, which is below the 20% minimum required by the development plan.
- The percentage of dual aspect apartments is significantly lower than the 70% required by development plan standards.

7.1.5. Third Party Comments on Impacts on Visual and Residential Amenities

- Residents of houses in Wyattville Park to the south east of the development would lose their views of the Dublin Mountains. The development would be overbearing when viewed from these properties, due to its excessive scale and proximity to site boundaries.
- Submitted photomontages do not show the full extent of visual impacts on adjacent residential properties.
- The development will overshadow adjacent properties and will destroy residents' enjoyment of their rear gardens.
- Residents of Wyattville Park dispute the applicant's Shadow Analysis, which indicates that their gardens are in shadow at 6 pm on March 21st, and June 21st and submit photographs indicating sunlight in gardens at times later than 6 pm in March and June. Submissions note that the Analysis does not include all houses in Wyattville estate, also that illustrations in the Analysis are unclear.

- Noise from the vehicular access to Wyattville Park and the adjoining creche will have severe adverse impacts on the residential amenities of adjacent properties.
- The development will result in loss of privacy at back gardens at Willow Place and Willow Crescent.
- Adverse impacts on residential amenities during the construction period relating to noise, vibration, dust, traffic, notwithstanding proposed mitigation measures. Concerns that Wyattville estate will be used as a car park during construction. Concerns about potential anti-social behaviour at the construction site. Also concerns about construction impacts on St. Laurence College.
- Light spillage from the proposed AstroTurf pitch will have adverse impacts at Shanganagh Vale.
- Concerns about potential anti-social behaviour at the pedestrian access to the development from Wyattville Park. There is a history of anti-social behaviour in the area.
- The development will result in an increase in vermin at adjoining gardens.
- The development will contravene the 'A' zoning objective due to adverse impacts on residential amenities.
- The development should be refused on similar grounds to ABP-309553-21 at Goatstown, as similar issues arise in this location.

7.1.6. Third Party Comments on Traffic, Transportation, Pedestrian and Cycle Connections

- The development will add to existing traffic congestion in the area, particularly at Wyattville Park.
- Public transport in the area has limited capacity to cater for increased demand as a result of the development. Public transport capacity is further reduced due to Covid restrictions, which may not have been taken into account in the applicant's traffic analysis.
- The submissions include a Traffic Report by residents of Wyattville estate.
- The applicant's Traffic Impact Analysis (TIA) is inadequate as it does not provide any traffic modelling for Wyattville estate. Roads in the estate are narrow and there are several sharp ends that are difficult to navigate. Autotrack analysis in

the residents' Traffic Report indicates vehicles impinging on the opposite lane at several locations within Wyattville estate after leaving the development site. This could result in serious traffic hazard due to additional traffic from the development. Roads in the estate are often used as play areas by local children.

- The applicant's TIA is based on a survey carried out in late May, when the school would not have been operating at full capacity, therefore existing traffic is underestimated.
- The signalised junction at the entrance to Wyattville estate currently caters for c. 150 housing units containing 299 vehicles, a secondary school, access to football pitches in the school and access to sports facilities at Kilbogget Park. Residents monitored traffic at the Wyattville estate entrance during peak hours pre-covid and noted c. 150 cars per hour, averaging almost one vehicle per house. The junction frequently experiences long delays. This situation will be much worse when Cherrywood SDZ is completed. Photographs and videos of traffic at this access are submitted. The development will add traffic generated by 256 no. residential units and a creche at this access.
- The signalised junction at the R118/Wyattville estate access has limited traffic 'green light' time. Monitoring by residents noted a time period of 6-15 seconds. This results in traffic delays within the estate and is unacceptable. Traffic volumes from the development could double or triple delays at this location.
- The bend at the entrance to Wyattville estate is too narrow to cater for the additional traffic generated by the development and there will be a traffic hazard at this location, particularly for traffic turning left from Wyattville Road. Emergency and service vehicles currently have difficulty accessing Wyattville Park. This situation will be exacerbated by the development.
- Traffic hazard associated with interaction with school traffic and danger to school children. School traffic will increase in line with the projected increase in student numbers indicated in the St. Laurence Masterplan. Traffic from the proposed creche will coincide with school traffic.
- The development is not consistent with sections 3.4.2 and 3.3 of DMURS.

- The development provides very limited car parking and will result in overspill on-street parking at nearby roads. This will exacerbate traffic congestion caused by the development. Car ownership levels within Wyattville estate are higher than the national average at c. 2 cars per household. It is likely that any new development in this area will have similar car ownership levels. The proposed car parking provision will not meet demand generated by the development. The car parking provision for Cherrywood SDZ, which has greatly improved public transport access, is based on an assumed ownership level of 1.3 – 1.4 cars per household. The proposed cycle parking provision is not a substitute for adequate car parking.
- There is no justification for reduced car parking provision at this location. The nearest centre is Cherrywood Town Centre at a walking distance of over 1 km. The nearest supermarket is 1.14 km away at Churchview Road.
- There are several elderly residents, medically vulnerable residents and wheelchair users in the Wyattville estate. Overspill parking from the development will reduce the accessibility of footpaths in Wyattville for wheelchair users. St John of God Community Services also serves several houses within Wyattville. Service users and designated buses may be adversely affected by additional traffic and noise from the development.
- Residents suggest that the development could be accessed via the N11 for vehicles and cyclists, which is already proposed to be used for construction access.
- Potential adverse impacts on the existing established pedestrian right of way across the development site, which has been in use for more than 20 years, providing access to bus and Luas.
- The footpath at the proposed access to the development from Wyattville estate is owned by residents of the estate and maintained by DLRCC on behalf of residents. Residents have not given permission for this footpath to be removed.

7.1.7. Third Party Comments on Drainage and Site Services

- Water supply in the area is already coping with significantly increased demand due to Cherrywood SDZ and several other large developments recently permitted.
- The extent of new development in the area has resulted in a loss of natural drainage with consequent impacts on water quality in local rivers and the seashore. The development will add to this situation.
- There is a history of blocked drains and water pressure issues in the area.

7.1.8. Third Party Comments on Childcare Provision

- The applicant's Childcare and School Demand Assessment incorrectly calculates demand for childcare facilities generated by the development as it excludes 30% of all two-bed units. The development generates a requirement for 40 childcare spaces if all two bed units are taken into account, not 29 spaces as the applicants' assessment incorrectly calculates. The proposed childcare provision is therefore inadequate.
- Childcare requirement should be established having regard to the existing geographical distribution of childcare facilities and current available capacity. The applicant's Childcare Assessment acknowledges that the Dun Laoghaire Rathdown Childcare Committee revealed that "demand for childcare within the vicinity of the subject site outstripped capacity, with significant waiting lists for childcare places said to exist in the area."

7.1.9. Third Party Comments on Legal Issues and Other Matters

- The documentation submitted with the application does not give residents meaningful information in relation to the development. More detailed information should be provided including before and after photomontages from nearby gardens, including the visible horizon; full before and after information of the time of day when gardens will be in shadow; shadow analysis of impacts on summer evenings; more accurate photomontages and more detailed shadow analysis.
- The application is invalid as it does not comply with articles 297(2)(a) and 297(2)(c)(ii) of the Planning and Development Regulations 2001. The applicant has not provided consent from the owner of a strip of land to the north of the site

and therefore there is land within the red line site boundary that does not have consent contrary to regulation 297(2)(a). The applicant also cannot comply with article 297(2)(c)(ii) regarding the blue line site boundary. This matter is detailed in a legal submission included with the comment of Wyattville Residents Association and is mentioned in several other third party submissions.

- The application fails to comply with regulation 297(2)(d) of the 2001 Regulations as it is not accompanied by evidence that Irish Water has confirmed that it is feasible to provide the appropriate services and relevant network capacity to cater for the development. The IW letter submitted with the application, dated 20th November 2021, does not revisit the issue of feasibility, which was addressed in previous correspondence, but is merely concerned with the internal design and layout of the proposed water and wastewater infrastructure within the development boundary. It is impermissible for compliance with regulation 297(2)(d) to be satisfied by relying on the confirmation submitted in compliance with regulation 285(2)(g). The legislation clearly contemplates that new and updated evidence by submitted with the final application to confirm that there is feasibility and capacity bearing in mind the nature of the development and the passage of time between the pre-application and final application stages. The development site is adjacent to Cherrywood SDZ, where there has been significant development since 2019 and it cannot be assumed based on an assessment of capacity in 2019 that there is capacity in 2021. In a related matter, section 10(D)(b) of the application form has been incorrectly filled out by the applicant.
- The development materially contravenes the 'A' zoning objective as it does not protect or improve residential amenity. It involves multiple instances of material contravention of the development plan aimed at protecting amenity, including material contraventions of specific density and open space requirements which apply to INST lands. Therefore, the development constitutes a material contravention of the zoning objective and/or a material contravention of the development plan in relation to the zoning of land.
- The following issues are identified regarding the applicant's Material Contravention Statement:

- The Statement does not comply with the requirements of section 8(1)(a)(iv)(II) of the 2016 Act as it falls short of required standards, ref. the High Court judgement *Redmond v An Bord Pleanála*. Section 4.0 of the Material Contravention Statement actually concludes that there is no material contravention, which is incorrect, incoherent, and misleading. There is no provision in the 2016 Act for the ‘precautionary approach’ to material contravention set out by the applicant. The applicant is required to clearly identify the aspects of the development that materially contravene the development plan.
- The applicant’s approach to residential density is also incorrect with regard to *Redmond v An Bord Pleanála*. The High Court indicated that a density of 67 units/ha was well in excess of the limits of RES5 in that case and the current proposal involves an even greater residential density. The applicant’s interpretation of the word ‘should’ was also rejected by the *Redmond* judgement, where it is implicit that RES5 must be interpreted as imposing a density of 35-50 units/ha with a limited exception for pockets of higher density up to 70 units/ha allowed if such are necessary to maintain the open character of the site. Interpreting the word ‘should’ as the applicant does would deprive RES5 of any meaning.
- The applicant also takes a ‘precautionary’ approach to building height and misinterprets the application of ‘upward modifiers’ under the development plan Building Height Strategy. The Building Height Strategy clearly states that more than one upward modifier would need to be satisfied to justify exceeding the height limitations. In addition, contrary to the applicant’s Statement, the Building Height Strategy does not acknowledge that the N11 can accommodate nine storeys, nor does it state that there is no numerical limit on the N11 corridor. The applicant has not had any regard to the upward or downward modifiers and therefore has not actually established whether there is a material contravention of the development plan in relation to building height.
- It is submitted that the applicant has not identified the following material contraventions of the development plan:

- The provision of childcare places is less than that required under the Childcare Guidelines, which constitutes a material contravention of development plan section 7.1.3.6. The contravention is material as the lack of onsite childcare would have a significant impact on the quality of the development.
- The development does not meet the open space requirements of development plan section 8.2.8.2. The conditions for reduced population-based open space allocation are not present. The applicant has incorrectly included the private playing fields in the open space allocation of lands retained by the owners. Development plan sections 8.2.8.2 and 8.2.3.4(xi) clearly indicate that the 25% open space requirement for the overall site does not include private open space, particularly private space retained for use by a school. The Masterplan submitted indicates that the school intends to expand by c. 40% and therefore the land retained by it is required for this purpose and is not available as open space to satisfy the 25% requirement.
- There is a material contravention in relation to the provision of a Masterplan for the overall site. Development plan section 8.2.3.4 (xi) requires the planning authority to agree the Masterplan. There is no indication that the Masterplan has been agreed. The Masterplan is also invalid as it has not been subject to SEA. A Masterplan may only be adopted by elected members and only when it complies with SEA procedures. An invalid Masterplan cannot be used to satisfy the requirements of section 8.2.3.4 (xi).
- The development does not comply with the 22 m minimum separation distances required by development plan section 8.2.3.3 (iv). The applicant seeks to avoid this by classifying the development as an 'infill development in a built up area'. However, this is a greenfield development and therefore cannot avail of the exception to 8.2.3.3 (iv). However, if it is infill development, it is a material contravention of section 8.2.3.4 (vii) which requires new infill development to respect the height and massing of existing residential units. The development cannot simultaneously comply with both development plan sections.

- The development materially contravenes section 8.2.2.3 (ii) in relation to the prohibition on single aspect north facing apartments except in exceptional circumstances.
- The applicant's EIA Screening Report does not include a standalone statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to EU legislation other than the EIA Directive have been considered. There are at least three other relevant assessments that should have been considered, namely the SEA of the County Development Plan and the SEA of the Cherrywood SDZ planning scheme, as well as the assessment under the Environmental Noise Directive, given the proximity of the site to the N11. The EIA Screening Report erroneously concludes that the location means that there are no likely significant noise effects from the development, ignoring noise generated from the N11. In addition, there is no indication that there is sufficient water/wastewater capacity for the development and the developer has not quantified public transport capacity. Therefore, the Board lacks sufficient information to complete a lawful EIA screening determination.
- The Letter of Consent by the Marianists of Ireland is null and void and it lacks clarity, fails to describe the area, and does not accurately define the subject lands.

7.2. Submission by the Marianists of Ireland

7.2.1. There is a submission by Hughes Planning Consultants on behalf of The Marianists of Ireland. The following points of same are noted:

- The Marianists of Ireland support the development, which is considered to be an appropriate form of development at the subject site, as well as the vision of the submitted St. Laurence College Masterplan.
- The applicant has had regard to the future requirements of St. Laurence College and the development has been designed to ensure that sufficient land remains for any redevelopment or extension required to cater for the school's future demands.

- The submission provides details of the history of St. Laurence College, which is the only Marianist school in Ireland and has been in the locality for c. 53 years, as well as general information about the Marianist Order.
- The submitted Masterplan is an accurate representation of the Marianist's future aims regarding the development of the school. The proceeds of the sale of the development site would secure the long term financial viability of the school.
- The vision of the Masterplan takes full cognisance of the strategic location of the site at the N11 and close to Cherrywood SDZ. It also has regard to the ethos of St. Laurence College and the relevant institutional aims of the College.
- The applicant has engaged with the school in the preparation of the proposed development and the landowners are satisfied with the final proposal.
- The Marianists agree with the three Character Areas presented in the Masterplan document and confirm that plots nos. 1 and 2 will remain in the ownership of the school, are of sufficient size to accommodate the current and future requirements of the school and will retain the open character of the school grounds. The existing public pedestrian route through the school will be retained, resulting in a high level of openness at the site.
- Student numbers have declined at the school in the past five years and the school currently has a surplus of lands based on enrolment numbers. There is precedent in Dun Laoghaire Rathdown for large parcels of institutional land being sold for private development when the institution no longer has any requirement for them. Development at St. Paul's College, Raheny, Dublin 5 is cited as an example of same.
- The applicant refers to the recent SHD permission at Marmalade Lane, ref. ABP-308157-20, where an open space provision of 25% of the overall landholding was accepted in accordance with the INST objective rather than 25% being applied to individual parcels of lands within the overall lands. The SHD permission at Our Lady's Grove, ref. ABP-334420-19 is also referred to in this respect, where the High Court judgement *Redmond v An Bord Pleanála* concluded that the overall lands are subject to the 25% requirement. The judgement also clarified that the 'Institutional Lands' designation does not equate to a zoning objective.

- It is submitted that the development complies with national and regional planning policy and with relevant development plan policies and objectives, as summarised in the applicant's Statement of Consistency.

8.0 Planning Authority Submission

8.1. Dun Laoghaire Rathdown County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members of the Dun Laoghaire (Housing, Economic Development, Community and Cultural Development, Planning & Infrastructure and Climate Change Business) Area Committee Meeting held on 17th August 2021. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows. The submission includes several technical reports from relevant departments of DLRCC, comprising Drainage Planning 24th August 2021; Transportation Planning 30th August 2021; Housing Dept. 19th August 2021; Parks and Landscape Services 26th August 2021; Environmental Health Officer 20th August 2021 and Public Lighting 18th August 2021, which are incorporated into the following summary.

8.2. Issues Raised by Elected Members

8.2.1. The issues raised by the elected members as presented in the CE report may be summarised as follows:

- Concerns regarding mass and height of proposed buildings; proximity to two storey dwellings; height closest to dwellings should be three storeys in height.
- Impacts on adjacent properties due to overbearing, overshadowing, overlooking and loss of privacy, visual impacts.
- Concerns regarding the height of the development given the topography of the site which slopes upwards towards the N11.
- Concerns regarding the visual impact of the proposed buildings when viewed from the N11 and surrounding areas.
- Concerns regarding overdevelopment of the site and excessive density.

- Impacts of creche and café car park on adjacent houses.
- Inadequate access via a cul-de-sac and inadequate existing road infrastructure to cope with the development. Development should be accessed from the N11 slip road or should not go ahead. Concerns about emergency access to the development.
- Proposed pedestrian access from the N11 will result in dangerous movements crossing the N11.
- Need for a report on overspill car parking spaces. Need for car and cycle charging points.
- Proposed childcare provision is inadequate.
- Development will result in loss of a playing pitch.
- Development will have flood impacts downstream.
- Adverse impacts during construction including construction traffic.
- Distance from shops and facilities.
- Development has a high percentage of single aspect units.
- Recommend that the CE Report recommends refusal.
- General objections to the SHD process.
- Development will not adequately address local housing need. No requirement for more BTRs in this area. Concerns regarding number of 3-bed units. Unit mix contravenes development plan. There is no guaranteed tenancy for residents except those on Part V long leases.
- The mix of Part V is not a fair percentage of the number of beds in the proposed development.
- Proposed gym should be available for the local area.
- Development is premature, Cherrywood has not been occupied yet. Premature pending Luas/metro and bus upgrades.

8.3. DLRCC Planning and Technical Analysis

8.3.1. DLRCC Comment on Principle of Development, INST Objective, Density, Housing Mix

- Infill residential development is acceptable in principle at this site under the 'A' zoning objective. The other land uses are open for consideration under the 'A' zoning objective and are considered acceptable in principle in this instance.
- Development would have an impact on the potential expansion of the existing school as it would remove lands that would otherwise be available for school use, ref. development plan section 8.2.12.4 and Policy SIC 8. The applicant does not appear to have indicated the 'school site' part of the development site as distinct from the site area relating to the proposed development. The planning authority estimates the area remaining for school use at c. 2.9 ha, or over 3.13 ha including the proposed AstroTurf pitch. This provision is generally in accordance with the requirements of Policy SIC 18.
- The submitted Masterplan and Childcare and School Demand Assessment are noted.
- There are concerns that the INST requirement to retain the open character of the lands is not achieved in the development, notwithstanding the proposed quantum of open space.
- Policies RES3, RES4 and RES5 are also noted in this respect. The development would greatly exceed the densities identified under RES3 and RES5 and is overdevelopment of the subject site. The density is considered excessive notwithstanding the justification submitted by the applicant.
- While it is noted that the site is adjacent to the N11 and bus stops, it is over 2 km walking distance from Killiney DART station and 1.2 km from Cherrywood Luas stop via existing pedestrian infrastructure. While there are objectives to upgrade Church Road as part of the Cherrywood to Dun Laoghaire Strategic Route and for QBCs along Church Road and Churchview Road, these are identified as long term objectives in the development plan.
- Only 3.1% of the proposed units provide floor areas > 80 sq.m. The development comprises 41% one-bed units. The proportions of units > 80 sq.m. and one bed

units are not in accordance with the provisions of development plan section 8.2.3.3(iii) regarding housing mix. The applicant's assessment does not take account of any previously permitted SHD developments in the area and the cumulative impacts of same. While the proposed housing mix is in accordance with the SPPRs of the Apartment Guidelines, the provision of 97.7% of the development as 1 and 2 bed units is undesirable and raises concerns for the planning authority.

8.3.2. DLRCC Comment on Building Height

- The site is considered to constitute a location with exceptional public transport accessibility for the purpose of an 'upward modifier' for building height and development that would provide planning gain given the location of the site adjacent to the N11 QBC and the provision of new sports facility for St. Laurence College.
- However, the planning authority states serious concerns in relation to the height and massing of the development relative to existing adjacent residential properties at Wyattville Park. This is particularly noted with regard to the four and five storey elements of Block A, the four and six storey elements of Block C and the four and five storey elements of Block D, relative to the two storey houses at Wyattville Park to the northeast, east and southeast of the development. It is therefore considered that 'downward modifier' no. 1 would apply in this instance.
- Separately, it is considered that the development, by reason of its height and overall scale, would not integrate satisfactorily with the existing area, and would unduly impact on the character and visual amenity of the receiving environment and existing established pattern of development in the immediate vicinity of the subject site. The apartment blocks, by reason of their height and proximity to site boundaries, would be discordant relative to the established height profile of the receiving environment at this location. The planning authority therefore considers that the development would contravene Policy UD1.
- The CE Report provides a response to the detailed criteria set out in section 3.2 of the Building Height Guidelines. It is considered that the site is suitable for accommodating additional building height to assist in securing NPF objectives to

promote compact urban growth. However, the planning authority states serious concerns in relation to several matters.

- The planning authority notes levels at the site relative to the N11 and states concerns about the 'substantial transition in height and scale' between the development and the residential properties at Wyattville Park. There is a particular concern that, at the scale of the district/neighbourhood/street, the development does not respond to its overall natural and built environment, nor make a positive contribution to the neighbourhood and streetscape or integrate or enhance the character and public realm of the area. The development is considered to have an adverse impact on existing adjacent residential development by reason of overlooking, overbearing appearance and the overall scale and massing of the apartment blocks relative to surrounding existing housing.
- The planning authority considers that the development fails to have due regard to the character of the site and surrounds, particularly having regard to the prevailing character and density of the area. Block A, by virtue of its form and massing, would be visually dominant in its entirety within the existing streetscape of Wyattville Park. Blocks A, B, C and D would be over scaled relative to the existing built form at St. Laurence College and would be visually dominant when viewed from Wyattville Park. Block D would appear visually dominant and obtrusive when viewed from the N11.
- Block A would present a continuous four storey façade in excess of 70 m (including balcony/terrace areas) to the north eastern elevations. It would be set back a minimum of c. 30m from the adjacent south western boundary of the development site to Wyattville Park and a maximum ridge height of c. 22 m above finished floor level of this block relative to the Wyattville properties. The planning authority states serious concerns in relation to its monolithic form and massing relative to the receiving environment.
- While the development would provide for north/south access from Wyattville Park to the N11, it fails to integrate cohesively within its setting due to its overall height and massing. While larger sites may be capable of creating their own character, depending on proposal, context, etc., in this case the planning authority considers

that the development is entirely at odds with the character of the immediate surrounds. It does not consider that the development would make a positive contribution to the improvement of legibility through the site or wider urban area.

- The planning authority concludes that the development does not meet the criteria set out in the Building Height Guidelines and recommends refusal on this basis.
- The planning authority recommends that the following amendments to the development should be required by condition if the Board decides to grant permission:
 - Omission of second and third floors of Blocks A and C such that they have a maximum height of four storeys.
 - Omission of second and third floors of Block B such that it has a maximum height of five storeys.
 - Omission of third and fourth and third floors of Block D such that it has a maximum height of six storeys.

8.3.3. DLRCC Comment on Design and Layout, Quality of Residential Development

- These matters are addressed above in relation to building height.
- The Housing Quality Assessment indicates that the proposed floor areas and storage provision comply with SPPR 8 of the Apartment Guidelines in relation to BTR development. The development also complies with SPPRs 5 and 6. The quantitative private and communal amenity space provision is also in accordance with the Apartment Guidelines.
- The planning authority considers that the development site has an 'intermediate urban location' with regard to the Apartment Guidelines due to its location over 2 km walking distance from Killiney Dart station and 1.2 km distance from Cherrywood Luas stop. The proposed provision of 46.9% dual aspect units would comply with SPPR 4 in this respect.
- There is a minimum separation distance of 20 m between the apartment blocks. This is not in accordance with development plan section 8.2.3.3 (iv).
- The proposed external finishes are generally acceptable.

- DLRCC Parks and Landscape Services considers that insufficient open space is provided. The proposed open space consists of attenuation tanks and narrow linear strips that are generally not useable in any meaningful way and are therefore considered as incidental open space with regard to development plan requirements. Parks and Landscape Services therefore recommend refusal. The planning analysis considers the proposed quantum of open space to be acceptable and therefore does not endorse the Parks and Landscape Services recommendation of a Special Development Contribution in lieu of public open space provision.
- The proposed communal open space provision exceeds the quantitative requirements of the Apartment Guidelines and is therefore acceptable. However, with regard to the comments of Parks and Landscape Services, the quality of open space is inadequate, and refusal is recommended on this basis.
- The submitted boundary details are generally acceptable subject to clarity regarding the proposed western boundary.

8.3.4. DLRCC Comment on Impacts on Residential Amenities

- The applicant's Daylight Analysis is noted. It is considered generally acceptable with regard to shadow cast assessment of the development.
- Aside from the concerns stated above in relation to Block A, the planning authority notes the following intervening distances to the rear boundaries of properties in Wyattville Park:
 - Block A c. 15 m up to four storeys
 - Block B c. 24 m four storey with the 5th floor set back
 - Block C c. 20 m four storey with the 5th floor set back
 - Block D c. 29m four storeys with the 5th floor set back.
- The planning authority notes that there are high level windows on the south east elevations of Blocks B, C and D and windows and balconies on the south east elevations of Block A. It is considered that Block A would give rise to the greatest overlooking of the rear gardens of the adjoining property in Wyattville Park.

- The planning authority states concerns about views from immediately adjoining properties in Wyattville Park. It considers that the development would be visually overbearing when viewed from adjacent sites and, due to its proximity to site boundaries, mass, and scale, would be seriously injurious to the amenities of existing residential properties.

8.3.5. DLRCC Roads and Transportation Issues

- DLRCC Transportation Planning report recommends the provision of revised cycle connections to the N11 further to the west of the current proposal, which would require works outside the red line site boundary. Transportation Planning also states a preference for a connection to the N11 footpath at a similar location to the proposed temporary construction access. These recommendations are not supported in the planning assessment.
- Transportation Planning states a concern that the footpath at the N11 has a substandard width, an associated condition is recommended.
- The conclusions of the applicant's Traffic Impact Assessment are noted.
- The proposed car parking provision of 200 spaces represents a shortfall of 235 no. spaces less than development plan car parking standards and 56 no. spaces less than the 1 space per unit required under the Apartment Guidelines. Transportation Planning has concerns regarding this reduced level of provision at a suburban location and recommends an increased provision of 1 space per unit. The proposed creche parking provision is acceptable.
- The proposed quantum of cycle parking exceeds the standards of the development plan and Apartment Guidelines. The cycle parking is to be provided in double stacked cycle stands, which should be replaced by Sheffield stands, with the addition of electric charging points.
- DLRCC Transportation Planning also recommends other conditions in the event that permission is granted.

8.3.6. DLRCC Comment on Other Matters

- The planning authority notes that the applicant omits 30% of the proposed two bed units in the calculation of childcare spaces. Given that the submitted Childcare and School Demand Assessment states that pre Covid 19 demand for

childcare in the vicinity outstripped capacity, with significant waiting lists for childcare places, the applicant's calculation should not have omitted 30% of the proposed two bed units.

- DLRCC Drainage planning states that the applicant has engaged with the planning authority on drainage issues and that the proposed drainage design is generally acceptable subject to conditions. There are no significant concerns in relation to flood risk.
- DLRCC Housing Dept states that the on-site proposal is capable of complying with the requirements of Part V, subject to agreement on lands values and costs and to funding being available.

8.4. DLRCC Recommendation

8.4.1. The planning authority **recommends refusal** for the following reasons:

1. The proposed development, by reason of its overall scale, height, massing, built form and the monolithic form of apartment blocks to Wyattville Park in particular, fails to have regard to its surrounding context and will have a detrimental impact on the character of the surrounding area. The proposed development is considered to be contrary to Policy UD1 and Appendix 9 (Building Height Strategy) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Urban Development and Building Heights Guidelines for Planning Authorities (2018). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The application site is located on lands to which the 'A' land use zoning objective 'to protect and/or improve residential amenity' in the Dun Laoghaire Rathdown County Development Plan 2016-2022 applies. The proposed development, by reason of its overall scale, massing, built form and its proximity to adjoining site boundaries, would adversely impact on the amenities of existing adjacent properties by way of overlooking, and would be visually overbearing when viewed from existing adjacent properties. The proposed development would be contrary to the 'A' land use zoning objective of the subject site, in that it would be seriously injurious to the residential amenities of the area and would depreciate the value of existing adjacent properties. The proposed development would be visually obtrusive and would seriously injure the amenities of the area. The proposed

development would thereby be contrary to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, and to the proper planning and sustainable development of the area.

3. The proposed development, by reason of its overall scale, massing, layout and unit mix, would represent an excessive density and would constitute overdevelopment of this site. The proportion of one-bedroom units proposed would contravene the provisions of Section 8.2.3.3 (iii) – Mix of Units of the Dun Laoghaire Rathdown County Development Plan 2016-2022. The quality of open space provided would contravene the provisions of Section 8.2.8.3 – Public / Communal Open Space – Quality as the space being provided consists of narrow linear strips that are generally not useable in any meaningful way and therefore are considered incidental open space. Furthermore, the proposed development would be contrary to Section 2.1.3.5 ‘Institutional Lands’ of the Dun Laoghaire Rathdown County Development Plan 2016-2022, whereby the retention of the open character of the lands to which the institutional objective applies would not be achieved. The proposed development would, if permitted, result in a substandard level of residential amenity for future occupants of the proposed residential scheme, and would be contrary to the Dun Laoghaire Rathdown County Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

- 8.4.2. The planning authority also recommends conditions if the Board is minded to grant permission, including omission of two floors from each of Blocks A, B, C and D, as set out above.

9.0 Prescribed Bodies

9.1. Inland Fisheries Ireland

- 9.1.1. IFI recommend best practice construction management measures during construction and excavation works, in order to protect water quality.

9.2. Irish Water

- 9.2.1. The proposed connections to the IW water and wastewater networks in the area can be facilitated. The applicant has engaged with IW in respect of the design proposal

and has been issued with a Statement of Design acceptance for the development. IW requests the Board to attach specific conditions to any permission granted.

9.3. **Transport Infrastructure Ireland**

9.3.1. TII recommends the following:

- The proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted. Any recommendations arising should be incorporated as Conditions in the Permission, if granted. The developer should be advised that any additional works required as a result of the Transport Assessment and Road Safety Audits should be funded by the developer.
- The Authority will entertain no future claims in respect of impacts (e.g. noise and visual) on the development, if approved, due to the presence of the existing road or any new road scheme, which is currently in planning.
- The Authority requests that the Council has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application.
- The proposed development falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme - 'Extension of LUAS Line B1 - Sandyford to Cherrywood' under the Planning and Development Act 2000, as amended. The Board is requested to include a condition to apply the Section 49 Luas Line Levy if permission is granted.

10.0 **Oral Hearing Request**

10.1.1. Section 18 of the Planning and Development (Housing) and Residential Tenancies Act 2016 provides that An Bord Pleanála may in its absolute discretion hold an oral hearing, and in making its decision, shall have regard to the exceptional circumstances requiring the urgent delivery of housing, as set out in the Action Plan for Housing and Homelessness and shall only hold an oral hearing if there is a compelling case for such a hearing.

10.1.2. The submissions of John and Tara Seagrave-Daly and Wyattville Residents Association (Armstrong Planning) both request an oral hearing in relation to this

application. No specific grounds are requested in either submission. The submissions generally object to the development on grounds relating to design, height and scale, adverse impacts on visual and residential amenities and traffic and road safety issues.

10.1.3. In my opinion there is sufficient information on file to allow for a proper and full assessment of the case without recourse to an oral hearing. In addition, having regard to the nature, scale and location of the proposed development, the particular circumstances of the application do not give rise to a compelling case for an oral hearing as set out in section 18 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. I therefore do not recommend that an oral hearing be held in this case.

11.0 **Assessment**

11.1. The following are the principal issues to be considered in this case:

- Principle and Density of Development with Regard to the INST Objective
- Housing Mix and Tenure
- Design and Layout of Development
- Impacts on Visual and Residential Amenities
- Building Height
- Traffic and Transportation
- Drainage, Flooding and Site Services
- Ecology
- Other Matters
- Material Contravention
- Chief Executive Report

These issues may be considered separately as follows.

NOTE: The applicant has submitted a Material Contravention Statement in relation to the matters of (i) the INST objective and related open space requirement: (ii)

residential density and (iii) building height. The relevant technical matters and related development plan and LAP policies and objectives are addressed in each section, with the details of Material Contravention dealt with separately below.

11.2. Principle and Density of Development with Regard to the INST Objective

11.2.1. Land Use Zoning and Relevant Development Plan Policies and Objectives

The proposed residential and childcare development is acceptable in principle under the 'A' land use zoning objective. Development plan Map 10 also indicates the site-specific 'INST' objective, which is listed on the Map Index under 'Other Objectives' as a 'Specific Local Objective' and is separate to the 'Use Zoning Objectives'. The 'INST' designation seeks 'to protect and/or provide for Institutional Use in open lands'. The related Policy RES5: Institutional Lands states:

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 ...

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.

Policy RES5 also states that alternative land uses may be considered on such sites subject to:

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).

Policy RES5 also states:

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.

In cases of rationalisation of an existing institutional use, as opposed to the complete cessation of that use, the possible need for the future provision of additional facilities related to the residual retained institutional use retained on site may require to be taken into account. (This particularly applies to schools where a portion of the site has been disposed of, but a school use remains on the residual part of the site).

Development plan Policy SIC8 is to support the provision of school facilities and the development/redevelopment of existing schools throughout the county. The development management standards set out in development plan section 8.2.3.4 (xi) require the submission of a Masterplan with applications for the development of institutional lands, which 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 and the 25% public open space requirement must be demonstrated. Development plan section 8.2.8.2 sets out requirements for public open space such that there is a requirement of 15-20 sq.m. of open space per person, based on a presumed occupancy rate of rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. No differentiation is made between 'public' or 'communal' open space in the case of apartment developments. The provision of less than 20 sq.m. per person of open space will only be considered acceptable in instances where exceptionally high quality open space is provided on site. There are therefore several aspects of the INST objective to consider, which may be assessed separately as follows, namely:

- The requirement for a Masterplan and the proposed development in the context of the future development of the overall school lands.
- Open space provision and the retention of the 'open character' of the lands.
- Residential density.

11.2.2. The St Laurence College Masterplan

I note the submitted St. Laurence College Masterplan and Childcare and School Demand Assessment. The applicant has also submitted an Alternative Uses Justification Statement in support of the development, which states that no demand for an alternative institutional use for the existing school is evident or foreseen. The Masterplan sets out a vision for the future development of the school and divides the overall school lands into three Character Areas. Character Area 1 comprises the existing school buildings. Area 2 comprises the proposed new all-weather sports facility to the east of the school building, at the location of an existing underutilised open space and area of hardstanding, which is included in the subject development. Area 3 is the proposed development site. The Masterplan states that student numbers have declined at the school in recent years from a past enrolment of 500 no. students to the current enrolment of 258 no. students. The existing school buildings and facilities are adequate to cater for the current enrolment and for the target enrolment of 350 students. The target enrolment is based on the socio-economic, demographic and schools analysis provided in the Masterplan and the Childcare and School Demand Assessment and is derived from Census data for a 2 km catchment. There is also scope for a future expansion of the school buildings within the footprint of Area 1, which could accommodate an increase of almost 50% of the footprint of the existing school. The existing playing fields in Area 2 are to be retained, along with an existing public pedestrian connection and with the proposed new sports facilities. The Masterplan states that the development will facilitate the refurbishment of the existing school buildings and the provision of new sports facilities for the school, as well as rationalised access and parking arrangements. The proposed development at Area 3 has been designed to relate to the school grounds with a 'green corridor' between the development and the school grounds, incorporating the new pedestrian/cycle route between the N11 and Wyattville Park, as well as a play area. The applicant's landscaping proposals are also noted in this regard.

I note that the Masterplan is endorsed in the submission by the Marianists of Ireland, who currently run St. Laurence College, which supports the development and states that the Masterplan is an accurate representation of the Marianist's aims regarding the future development of the school and states satisfaction with the development,

stating that it will help to ensure the future financial viability of the school. I am satisfied that the Masterplan adequately addresses the requirements of development plan section 8.2.3.4 (xi) as it provides for the future development of the school, the retention of adequate existing open space to meet the school's ongoing needs, the provision of new sports facilities to replace those lost to facilitate the development, the retention of an existing public pedestrian connection between the N11 and Wyattville and the provision of a new pedestrian/cycle connection between the N11 and Wyattville within the development site. I also note that the Masterplan is informed by the other documents and assessments which form part of the application including the Landscape Masterplan, the Public Realm Strategy, the EIA Screening Report and the AA Screening Report. I therefore consider that the Masterplan adequately addresses the built heritage and natural assets on site.

I consider on this basis that the applicant has demonstrated that no demand for an alternative institutional use is evident or foreseen in accordance with section 8.2.3.4 (xi) and I consider that alternative uses subject to the area's zoning objective may be permitted. I also consider that the applicant has met the requirement for a Masterplan addressing the future development of the overall INST lands. I note third party comments that development plan section 8.2.3.4 (xi) requires the planning authority to agree the Masterplan, which should also be subject to SEA. Section 8.2.3.4 (xi) states:

"... a comprehensive masterplan should accompany a planning application for institutional sites ... 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 consider that the proposed development is consistent with the submitted Masterplan for the overall site and therefore there is no need for a revised Masterplan to be agreed with the planning authority. A. I note that the Masterplan is not a statutory document and that the development site has been zoned under the Dun Laoghaire Rathdown County Development Plan 2016-2022, which was itself subject to the SEA process.

11.2.3. Open Space Provision and Retaining the Open Character of the Lands

I note the concerns raised in both the third party submissions and by elected members in the Chief Executive's (CE) Report in relation to the interpretation of the 'INST' Specific Local Objective, and that the planning authority recommends refusal on this basis. The applicant's Material Contravention Statement provides a rationale for the proposed open space provision in the context of the INST objective. The INST designation is applied to the entirety of the existing school lands, which have a stated area of c. 5.9 ha. This entails a consequent 25% open space requirement of c. 1.48 ha, noting that development plan section 8.2.8.2 refers to 'open space' as comprising public and/or communal open space. The applicant's Material Contravention Statement provides the following population analysis based on the requirements of development plan section 8.2.8.2 (i):

| Unit Type | No. of Units | Occupancy Equivalent | Min. Open Space 15 sq.m. / person | Max. Open Space 20 sq.m. / person |
|------------------|---------------------|-----------------------------|--|--|
| 1 bed | 105 | 157.5 | 2,362.5 | 3,150 |
| 2 bed | 145 | 217.5 | 3,262.5 | 4,350 |
| 3 bed | 6 | 21 | 315 | 420 |
| Total | 256 | 396 | 5,942 sq.m. (0.59 ha) | 7,920 sq.m. (0.79 ha) |

Given that the population based analysis indicates a requirement of less than 25% of the area of the overall school site, the 25% figure of c. 1.48 ha would exceed the above population based requirement and therefore applies in this instance. The existing quantum of open space within the entire school land holding is 3.98 ha or c. 67% of the overall lands. The development includes the provision of 6,622 sq.m / 0.66 ha of public and communal open space within the development site. When combined with the remaining open space within the school grounds, it will result in an overall post development provision of 2.94 ha of open space equating to over 49% of the entire institutional lands and well in excess of 25% of the total site area. I note the analysis of the CE Report, which estimates the remaining school site at c. 2.9 ha, or over 3.13 ha including the proposed AstroTurf pitch, which is considered to meet the requirements of development plan policy SIC18. I note the point raised in third party submissions that the applicant's calculation of open space incorrectly

includes private playing fields in the open space allocation of lands retained for use by the school. I note that these lands are currently publicly accessible and there is no indication that they will not remain as such following the proposed development. Having regard to the quantitative analysis of open space provision and to the information regarding the future development of the school as provided in the St. Laurence College Masterplan, I am satisfied that the development meets the 25% requirement of the INST objective with regard to open space provision and taking account of the potential future needs of the school student population regarding school expansion.

Policy RES5 also aims to 'retain the open character and/or recreational amenity of these lands wherever possible, subject to the context of the quality of provision of existing open space in the general environs.' The CE Report considers that the development does not achieve this objective. While I note third party concerns regarding the loss of green space in the area, I accept the applicant's contention that the open character of the school site is largely defined by the flat expansive area of open space to the south of the school building, adjacent to the N11. The proposed layout will retain an extensive green space at this location, which incorporates existing playing fields and retains a publicly accessible pedestrian connection between the N11 and Wyattville. The existing site does not include any historic landscape, gardens, stands of trees, etc., so the development will not result in any loss of or significant change to such features. The development will also provide a new sports facility in an underutilised part of the existing grounds, in order to meet the needs of the school, replacing the AstroTurf facility occupying the development site. I am therefore satisfied that the development of these lands would not result in any net loss of recreational amenity for the wider area. In addition, the proposed provision of open space within the overall school lands may be considered in the context of the availability of a large area of public open space to the north east of the development site, with the 'F' zoning objective 'To preserve and provide for open space with ancillary active recreational amenities', including Ballybrack Football Club, Cabinteely Athletic Club running track, Kilbogget Park, Foxrock Cabinteely GAA Club, Cabinteely Football Club and Seapoint Rugby Club, as per the 'general environs' referred to in RES5. Thus, it would appear that an adequate provision of existing open space exists in the general environs. I am therefore satisfied that the

development meets this requirement of RES5, also having regard to the quantitative provision of open space on the overall school lands, as discussed above. I therefore concur with the applicant's assessment that the development does not materially contravene the development plan in this respect.

11.2.4. Residential Density and the INST Objective

The development has a stated residential density of 134.7 units/ha. Many of the third party comments contend that the development has an excessive density that is out of character with the area and will result in overdevelopment of the site. The CE Report also recommends refusal on the basis that the proposed residential density is excessive and would constitute overdevelopment of the site

The applicant's Material Contravention Statement addresses the matter of residential density in the context of the INST objective. It notes that Policy RES5 states that average net densities 'should' be in the region of 35-50 units/ha, with higher densities to be allowed in certain instances where it is demonstrated that they can contribute towards the objective of retaining the open character and/or recreational amenities of the lands. This is again reiterated in development plan section 2.1.3.5. I consider that the open character of the land is being retained and therefore higher densities are allowable. The development is therefore considered to be consistent with Policy RES5.

Development plan section 8.2.3.2 (ii) states in relation to residential density:

In general, the number of dwellings to be provided on a site should be determined with reference to the Government Guidelines document: 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (2009).

These Guidelines are also referenced in section 8.2.3.3 (i) of the plan in relation to design standards, which states that all apartment development shall accord with or exceed all aspects of Government Guidelines in relation to residential development. Reference is made to the Sustainable Residential Development Guidelines. Section 5.10 of these Guidelines, which relates to Institutional lands, states that In the event that planning authorities permit the development of such lands for residential purposes, it should then be an objective to retain some of the open character of the lands, but this should be assessed in the context of the quality and provision of existing or proposed open space in the area generally. In this instance, as discussed

above, I consider that the open character of the lands is being retained and that adequate open space has been included within the development site and retained within the overall school lands. There is also good quality public open space existing within the wider area. Section 5.10 of the Sustainable Residential Development Guidelines states that average net densities at least in the range of 35-50 units/ha should prevail in the development of institutional lands and the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts (up to 70 units/ha). However, the proposed development at 134.7 units/ha would exceed this guidance. Section 5.10 also states that in the absence of an LAP, any application for development of institutional lands should be accompanied by a masterplan outlining proposals for the entire landholding, which has been addressed in the subject application.

The Material Contravention Statement also refers to development plan Policy RES3, which states that higher densities at a minimum of 50 units/ha will be encouraged within c. 1 km pedestrian catchment of a rail station, Luas line, BRT, Priority 1 QBC and/or 500 metres of a Bus Priority Route, and/or 1 km of a Town or District Centre. The development site adjoins the N11 QBC and the applicant argues that a higher density is justified on this basis. I accept this argument, noting also that section 5.8 of the Sustainable Residential Development Guidelines recommends minimum net densities of 50 units/ha within 500 m walking distance of a bus stop, with the highest densities being located at rail stations/bus stops, and decreasing with distance away from such nodes and having regard to the capacity of public transport in the consideration of appropriate densities.

Having regard to all of the above, I consider that, given that development plan section 2.1.3.5 and Policy RES5 allow for densities higher than 35-50 units/ha in circumstances where the open character of the lands is being retained, and that the development is considered to be consistent with Policy RES3, I do not consider that the proposed residential density materially contravenes the development plan.

With regard to national planning policy, I note that the planning authority considers that this is an 'Intermediate Urban Location' with regard to section 2.0 of the Apartment Guidelines. I do not concur with this appraisal. The site immediately adjoins the N11 QBC, with five bus routes serving this location as detailed in the submitted Residential Travel Plan, which provides a high frequency (i.e., 10 minute

peak hour frequency) connection to Dublin city centre. It is also c. 600m south west of Cherrywood SDZ, which includes new town and village centres and c. 300,000 sq.m. of high intensity employment uses. On this basis, I consider that the site meets the following criteria for a 'central and/or accessible urban location' as set out in section 2.4 of the Apartment Guidelines:

- Within walking distance (up to 15 minutes or 1 – 1.5 km) of a significant employment location.
- Within easy walking distance (up to 5 minutes or 400-500m) to/from high frequency urban bus services.

The Apartment Guidelines state that such locations are generally suitable for small to large scale higher density development with no maximum density set. I consider that the delivery of residential development on this prime, underutilised, serviced site, in a compact form with higher density, would be consistent with the policies and intended outcomes of current Government policy, specifically the NPF, the RSES, the Sustainable Residential Development Guidelines and the Apartment Guidelines, which all look to secure more compact and sustainable urban development in the Dublin Metropolitan Area. In particular, the development will support several key objectives of the NPF, including NPO 2a which states that a target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs; NPOs 3a and 3b which aim to deliver at least 40% of all new homes nationally within the build-up of existing settlements and to deliver at least 50% of all new homes in the five main cities within their existing built-up footprints; NPO 13 which stipulates 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'; NPO 32 which sets a target of 550,000 no. additional homes to 2040; NPO 33 which prioritises the provision of residential development at appropriate scales within sustainable locations and NPO 35 which notes the aim to increase residential density in settlements through a range of measures including (amongst others) in-fill development schemes and increased building heights. I also consider that the development will support RSES Regional Policy Objectives RPO 3.2 to promote compact urban growth with a target of at least 50% of all new homes to be built within or contiguous to the existing built up area of Dublin City and

suburbs, RPO 5.4 that future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards and RPO 5.5 that future residential development within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns.

I also note the following recent permissions on lands with the INST objective within Dun Laoghaire Rathdown:

- ABP-309807-21 Lands consisting of Kylemore, Rockwinds, Smallacre and Woodlawn off Church Road, No. 43 Watson Road and No. 66 Watson Drive, Killiney, Co. Dublin. Permission granted on 25th March 2021 for 255 no. residential units (7 no. houses, 248 apartments) and a childcare facility at a 2.5 ha site with a stated density of 152 units/ ha on the northern portion of the site and 65 units/ha on the southern portion.
- ABP-310138-21 Mount Saint Mary's and Saint Joseph's, Dundrum Road, Dundrum, Dublin 14. Permission granted on 28th May 2021 for 231 no. apartments and a childcare facility at a 1.6 ha site with a stated density of 144 units/ha.
- ABP-309430-21 Our Lady's Grove, Goatstown, Dublin 14. Permission granted on 3rd June 2021 for 698 no. student bedspaces on a 2.12 ha site.

I consider that these decisions provide a precedent for higher densities on INST lands, with regard to national and regional planning policies.

Having regard to all of the above, I therefore consider that the proposed residential density of 134.7 units/ha is acceptable in principle at this location, subject to design and amenity standards, which are discussed in detail in other sections of this report, and I also consider that the proposal does not represent a material contravention in relation to density. I note that the matter of density has been addressed in the submitted Material Contravention Statement, although the applicant does not state that the proposal represents a material contravention with regard to residential density. I also note that, while the planning authority's recommended refusal reason no. 3 refers to 'excessive density' and 'overdevelopment of the site', which 'would be contrary' to the provisions of development plan section 2.3.3.5 'Institutional Lands', it

does not however state that the proposed residential density would materially contravene the development plan. However, if the Board do consider this to be a material contravention, they may wish to invoke section 37(2)(b) of the of the Planning and Development Act 2000, as discussed below in relation to Material Contravention.

11.3. **Housing Mix and Tenure**

11.3.1. Housing Mix

Refusal reason no. 3 recommended by the planning authority states that the proposed provision of one bed units would contravene the provisions of development plan section 8.2.3.3 (iii) in relation to housing mix. Many of the third party submissions comment that the development provides an excessive amount of smaller one and two bed units, at the expense of larger 'family' type units that are needed in the area.

Development plan section 8.2.3.3 (iii) states:

Apartment developments should provide a mix of units to cater for different size households, such that larger schemes over 30 units should generally comprise of no more than 20% 1-bed units and a minimum of 20% of units over 80 sq.m.

The proposed development provides 41% one bed units (ranging in size between 50.5-59.1 sq.m.), 57% 2 bed units (ranging in size between 76.0-90 sq.m.) and 3% 3 bed units (all 99.6 sq.m.). The applicant's Statement of Consistency submits a rationale for the proposed housing mix in the context of development plan policy RES7, which states a policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy. I note that section 8.2.3.3 (iii) does not state that larger schemes over 30 units 'shall comprise' but instead states 'should generally comprise' and I consider that this allows for a degree of flexibility regarding the proposed housing mix. I therefore do not consider that the development materially contravenes the development plan in this regard, noting also the provisions of RES7. This matter is considered further in relation to Material Contravention below.

While I note the concerns of the planning authority regarding the high proportion of one and two bed units in the development, I accept that the provision of a greater mix of housing units, including the provision of smaller units, is desirable at this location in the context of providing a more varied housing typology than the two storey houses that dominate the area immediately around the development site. I also note that SPPR 8 of the Apartment Guidelines provides that there shall be no restrictions on dwelling mix for BTR developments, and the CE Report considers that the proposed housing mix is in accordance with the requirements of the Apartment Guidelines. The proposed housing mix is considered acceptable on this basis.

11.3.2. Principle of Build to Rent Development

Many third party submissions state concerns about the proposed Build to Rent (BTR) model, stating that it will lead to a transient population at the development and submit that owner-occupier units would be more appropriate and result in the creation of a sustainable community. The matter is also raised in the comments by Elected Members of DLRCC. The CE Report does not state any objection in principle to BTR development at this location.

Section 5 of the Apartment Guidelines provides guidance on the BTR and Shared Accommodation sectors. BTR is defined as:

Purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord.

I am satisfied that the development meets the requirements of SPPR 7 of the Apartment Guidelines with regard to BTR development. The application is advertised and adequately described in the documentation on file as a BTR development. The application includes a draft section 47 agreement between the developer and the planning authority, which specifies that the development shall remain owned and operated by a single entity for a period of 15 years from the date of permission and that no individual residential units shall be let or sold separately during this period. The application also provides proposals for resident support facilities and resident services and amenities.

The applicant's Planning Report includes a rationale for BTR development at this location, which considers available socio-economic data and the demographics of

the area. It notes that the development site adjoins the N11 QBC (and future Bus Connects corridor), with associated pedestrian and cycle infrastructure and therefore has excellent accessibility. The site is located in a well-established residential area with existing social infrastructure and is c. 600m south east of Cherrywood SDZ, which has new town and village centres and c. 300,000 sq.m. of high intensity employment uses, as well as social infrastructure such as schools. The site is c. 35 minutes cycle distance from the Major Town Centres of Dun Laoghaire and Dundrum. There is limited availability of rental apartments in the area as Dun Laoghaire Rathdown is notably dominated by houses, as per information obtained from Daft.ie, April 2021. It is therefore concluded that there is a need for additional properties in the local rental market. The subject site is currently undeveloped and represents an opportunity to meet this housing need at a highly accessible location in close proximity to employment centres and social infrastructure, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of current Government policy. The rationale also refers to the recent SHD development at Roselawn and Aberdour, Stillorgan Road, Foxrock, Dublin 18, ref. ABP-304068-19, which granted permission for 142 no. BTR units on a site to a maximum of seven storeys on a site adjoining the N11, c. 4 km north of the development site. It is submitted that the same issues apply at the location of the development site and that the proposed BTR development is therefore acceptable in principle.

I concur with this assessment and consider that there is ample justification for BTR development at the subject site, having regard to the location of the site close to employment centres and beside high quality public transport facilities. The proposed residential type and tenure will provide a viable housing solution to households where home-ownership may not be a priority and will provide a greater choice for people in the rental sector, one of the pillars of Rebuilding Ireland.

11.4. Design and Layout of Development

- 11.4.1. Many of the third party submissions and the CE Report state concerns about the height, massing and scale of the development and about related impacts on visual and residential amenities. The design and layout are considered here in terms of the quality of the proposed development, with potential impacts on residential and visual amenities and the issue of building height considered separately below.

11.4.2. Proposed Design and Layout

The development comprises four apartment blocks (Blocks A, B, C and D) facing north east and south west, perpendicular to the adjacent two storey houses at Wyattville Park. Block A is located at the north eastern end of the site, closest to the site access and Block D is at the N11 site frontage. The blocks are finished in brick with areas of glazing and glazed balconies. They are stepped such that the south east elevations facing the rear of houses at Wyattville Park are 3-4 storey with the upper floors set back and the elevations facing the school playing fields are between five storeys at Block A and up to eight storeys at the north western corner of Block D facing the N11. The development has a new vehicular/pedestrian/cycle access from Wyattville Park, separate from the existing access serving the school, which is to be retained separately. The new access leads to a 'drop off area' at the north eastern corner of the site. The ground floor of Block A facing the drop off area has active frontages including an entrance lobby, creche and café and concierge space for residents of the scheme facing the public space.

The drop off area connects to a 'green corridor' along the north western site boundary, facing the school playing fields. The green corridor provides a landscaped public pedestrian and cycle connection between Wyattville and the N11, which may also be used for emergency access to the apartments. The green corridor also connects to a central area of public open space at grade, described as the 'central plaza' in the application documentation, which is located between Blocks B and C. The central plaza is overlooked by ground floor apartments and by the gym and includes passive open space, a natural play facility, a basketball hoop, exercise equipment and seating areas. The green corridor terminates at a landscaped area at the N11 site frontage. The site is at a level c. 3m higher than the N11 and the pedestrian/cycle access from the N11 verge includes steps and ramps to negotiate the difference in levels. The development includes planting along the N11 site frontage, to integrate with the public realm at this location and provide a buffer to ground floor apartments in Block D.

The vehicular access leads to a vehicular circulation route along the south eastern site boundary, to the rear of the houses in Wyattville Park, with two accesses to the undercroft car parks. There is also surface car parking in this area and some buffer planting along the south eastern boundary. Aside from the public open space at the

centre of the site, there are two areas of communal open space between Blocks A and B and between Blocks C and D, both at podium level over undercroft car parking. These have lawn areas, seating areas and exercise equipment.

The existing school grounds are to have a new vehicular, cycle and pedestrian access from Wyattville with a new bin store/vehicle shed and the proposed floodlit AstroTurf pitch to the east of the school buildings. The existing public pedestrian access from the N11 at the north western corner of the school site is to be retained to serve the school and to connect to Wyattville.

11.4.3. Residential Amenity of Apartments

The apartments are designed to comply with the standards set out in the Apartment Guidelines, having regard to the relaxations provided for BTR developments as set out in SPPR 8 of same. The Housing Quality Assessment indicates apartment floor areas that meet the requirements of SPPR 3. A total of 118 units or c. 46% of the total number of units exceed the minimum standards by a minimum of 10%. This is less than the majority of units as required in section 3.8 of the Apartment Guidelines but is acceptable given that SPPR 8 (iv) states that the requirement for the majority of all apartments in a scheme to exceed minimum floor areas by a minimum of 10% shall not apply to BTR schemes. SPPR 8 (ii) provides that flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 of the Guidelines, however all units in the development have private open space and storage areas in accordance with the Appendix 1 standards notwithstanding this relaxation. The submitted Sunlight Reception Analysis demonstrates that the private balconies and terraces all receive at least two hours of sunlight at 50% of the area on March 21st, in accordance with the BRE guide "Site Layout and Planning for Daylight and Sunlight". Ground level floor to ceiling heights meet the 2.7m requirement as per SPPR 5. There is a maximum of 12 units per lift/stair core as per SPPR 6, notwithstanding the provision of SPPR 8 (v) that the requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes. I am therefore satisfied that the development generally meets the quantitative requirements of the Apartment Guidelines for BTR development.

Many of the observer submissions refer to the issue of overlooking between apartments, with consequent impacts on their residential amenities. Both third party comments and the planning authority also state that the 20 m distance between the apartment blocks at some locations is not in accordance with development plan section 8.2.3.3 (iv), which requires 'acceptable separation distances' between blocks and states:

The minimum clearance distance of circa 22 metres between opposing windows will normally apply in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable.

I consider that the above policy statement allows for some flexibility in the interpretation of the 22 m standard, and I consider that the proposed development does not materially contravene the development plan in this regard. Having regard to the detailed elevations and floorplans of the apartment blocks, I note that intervening windows are generally staggered or located at high level to prevent direct overlooking where distances between the blocks are less than 22 m. While there are some instances where these methods are not employed with intervening distances less than 22 m, the windows involved are secondary windows and the issue could easily be addressed by a condition requiring obscure glazing and/or high level glazing at these locations. There is one instance between the opposing facades of Blocks B and C such that there is 21 m between directly opposing windows which are the main windows lighting habitable rooms in units nos. B107, B207 and B307 and rooms nos. C104, C204 and C304. This issue could again be remedied by a condition requiring windows to be staggered at this location, if permission is granted for the proposed development.

Development plan section 8.2.3.3 (ii) states that developments are expected to provide a minimum of 70% dual aspect units with north facing single aspect units only considered under exceptional circumstances. It also states:

A relaxation of the 70% dual aspect requirement may be considered on a case-by-case basis where an applicant can demonstrate, to the satisfaction of the Planning

Authority, that habitable rooms of single aspect units will be adequately served by natural light and/or innovative design responses are used to maximise natural light.

A total of 136 or c. 53% of the apartments are dual aspect. While this is less than the 70% standard above, it is considered that a relaxation as above can apply in this instance given that the applicant has demonstrated adequate daylight, as discussed below. The development is therefore not considered to materially contravene the development plan in this respect. Having regard to my above assessment that the development site has a 'central and/or accessible' location as per the Apartment Guidelines, the dual aspect requirement under SPPR 4 would be a minimum of 33% of all units, which is well exceeded. The development does not include any single aspect north facing units. There are single aspect units facing north west, overlooking the playing fields, which are considered acceptable given the orientation and the aspect looking over an amenity area. The proposed provision of dual aspect units is therefore satisfactory, notwithstanding third party concerns in relation to this issue.

The application includes an External Noise Impact Analysis, which examines the effects of traffic noise from the N11 on internal noise levels at apartments within the development, using EPA noise mapping and noise survey data from 24 hour noise monitoring carried out at the N11 site frontage on Friday December 19th 2020. The resultant predicted noise levels are considered with regard to the European Environmental Noise Regulations 2018 (S.I. No. 549), British Standard BS 8233 and WHO Environmental Noise Guidelines for the European Region. Given that the development will be of modern construction standards and subject to the building regulations, in particular Part L of same, it will have a high level airtightness standard and a relative high noise reduction capability. The predicted internal ambient room noise levels are well within the guidance parameters based on standard construction methods. Some additional noise mitigation measures are recommended at facades facing the N11, which may be required by condition if permission is granted.

11.4.4. Communal Open Space, Residents' Services and Amenities

SPPR 7(b) of the Apartment Guidelines requires that BTR developments are accompanied by detailed proposals for supporting communal and recreational amenities including concierge support, informal lobby and lounge areas, communal

workspace areas, meeting rooms and a resident only gym (179 sq.m.). The development may be considered as follows, with regard to the communal amenity space requirements set out in Appendix 1 of the Apartment Guidelines:

| Unit Type | No. of Units | Required Communal Amenity Space Provision |
|------------------|--------------|---|
| 1 bed | 105 | 5 x 105 = 525 sq.m. |
| 2 bed (3 person) | 2 | 6 x 2 = 12 sq.m. |
| 2 bed (4 person) | 143 | 7 x 143 = 1,001 sq.m. |
| 3 bed | 6 | 9 x 7 = 63 sq.m. |
| Total | 256 | 1,601 sq.m. |

The proposed communal open space provision of 2,244 sq.m. is well in excess of this requirement, notwithstanding that SPPR 8 (ii) allows for flexibility in relation to the provision of communal amenity space as set out in Appendix I, on the basis of the provision of alternative compensatory support facilities and amenities. I also note that section 5.11 of the Apartment Guidelines provides that the nature and extent of the resident services and amenities serving BTR developments may be agreed by the developer and the planning authority having regard to the scale, intended location and market for the development.

The submitted Sunlight Reception Analysis examines sunlight levels at amenity spaces within the development with regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011). Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. The Sunlight Reception Analysis demonstrates that the amenity spaces within the development all receive well over two hours sunlight on at least 50% of the area on March 21st, in accordance with the BRE guidance.

The applicant’s Microclimate Impact Assessment examines potential microclimate effects at open spaces within the development with a particular focus on wind

impacts, based on Met Eireann data from Dublin Airport and with regard to British guidance including BRE DG 520 'Wind microclimate around buildings'. The assessment finds that the amenity spaces will be relatively sheltered and there is no significant wind speed impact to the open areas between the blocks. The podium and public amenity spaces are shielded when the wind is blowing from the dominant south-west direction. The wind less frequently blows from the ESE and WNW quadrants and although more exposed in those directions, very little impact is predicted (frequency of wind condition 6% and 9%). The Microclimate Impact Assessment concludes that the predicted wind comfort levels at open spaces within the development are in line with guidelines.

Having regard to the Design Statement, to the landscaping proposals, to the Sunlight Reception Analysis and to the Microclimate Impact Assessment, I consider that the internal and external communal spaces within the development have a high standard of design and layout and will adequately serve as amenities for residents of the development. The proposed quantitative and qualitative provision of residents' services and amenities is therefore satisfactory.

Communal waste storage areas are provided at undercroft level and waste management is addressed in the Property Management Strategy Report. The application includes a Building Lifecycle Report, as required by the Apartment Guidelines, which states that a property management company will be established in accordance with the Multi-Unit Developments Act 2011. A detailed Operational Waste Management Plan may be required by condition. These are all generally in accordance with the guidance in the Apartment Guidelines for BTR development and are acceptable.

11.4.5. Public Open Space

The development may be considered with regard to the quantitative requirements of development plan section 8.2.8.2 (i) as follows:

| Unit Type | No. of Units | Population | Development Plan Requirement 15 – 20 sq.m. per person |
|------------------|---------------------|-------------------|--|
| 1 bed | 105 | 157.5 | 2,362.5 - 3,150 sq.m. |
| 2 bed | 145 | 217.5 | 3,262.5 – 4,350 sq.m. |
| 3 bed | 6 | 21 | 315 – 420 sq.m. |
| Total | 256 | | 5,940 – 7,920 sq.m. |

The proposed stated public open space area, as per drawing no. 1922-103 is 4,378 sq.m., which is less than the above development plan requirement, however this is supplemented by the communal open space provision of 2,244 sq.m. which, if combined with the public open space, would meet the above requirements (I note that the development plan does not distinguish between public and communal open space in residential developments). In addition, the development plan states an absolute default minimum requirement of 10% of the total site area as open space. This would amount to c. 3,000 sq.m. in the case of the development site, which is comfortably exceeded by the above provision. The proposed public open space area comprises the central plaza, the ‘green corridor’ along the north western site boundary and a buffer along the N11 site frontage.

Development plan section 8.2.8.3 provides qualitative guidance on open space provision and states that inaccessible, hidden or otherwise back land open space, and narrow linear strips of open space will not be acceptable. Open spaces are to be designed to meet a range of user needs and adequately overlooked and lit. Public and/or communal open spaces within new development should be capable of providing opportunities for play space. Section 8.2.8.3 (iv) states that

SuDS shall not normally be included in the calculation of open space provision. However, where a SuDS scheme is visually attractive and readily accessible for public use in most weather conditions, a proportion of the SuDS area could be incorporated as a component part of the open space provision. This proportion will be decided by the Planning Authority on a case-by-case basis.

I note the report on file by DLRCC Parks and Landscaping Services, dated 26th August 2021, which recommends refusal on the grounds that the open spaces

include attenuation areas and landscaping strips, which are generally not usable in any meaningful way and are therefore considered incidental open space with regard to development plan requirements. I note that the DLRCC planning analysis considers the proposed quantum of open space to be acceptable but concurs that the quality of spaces are insufficient and recommends refusal on this basis. This matter is also raised in third party submissions. I note that development plan section 8.2.8.3, as quoted above, provides that a proportion of the SUDS area may be incorporated as public open space subject to the area being visually attractive and readily accessible in most weather conditions. I consider that this is the case in the proposed development having regard to the landscaping proposals and detailed drainage design. In addition, while some of the open space area may be considered marginal, specifically the area along the N11 site frontage, the remainder of the open spaces will function as amenities for the public and/or residents of the scheme. The linear open space along the north western site boundary in particular includes a publicly accessible pedestrian/cycle route and will represent a significant planning gain for the wider area, providing a safe, landscaped, well-lit and overlooked pedestrian and cycle connection between the N11 and Wyattville. The public open spaces also meet standards regarding sunlight and microclimate, as per the submitted Microclimate Impact Analysis and Sunlight Analysis, as summarised above. I therefore do not concur with the planning authority on this matter, and I consider that the proposed open space provision is acceptable both in terms of quantity and quality. I also note in this regard that there is an extensive area of 'F' zoned lands nearby to the north east of the development site, as discussed above.

11.4.6. Daylight Standards Within Apartments

Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing, and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and

a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and/or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

The applicant's Daylight Reception Analysis relies on the standards in the BRE Report "Site Layout Planning for Daylight and Sunlight". I note that the applicant's analysis also refers to the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK), however this updated guidance does not have a material bearing on the outcome of this assessment and the relevant guidance documents in this case remain those referred to in the Urban Development and Building Heights Guidelines, i.e. BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I have considered the applicant's Daylight Reception Analysis and I have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of Practice for Daylighting).

Section 5 of the Daylight Reception Analysis indicates the rooms analysed within the development, which are those which are perceived to receive less daylight, i.e., ground floor rooms and those facing and/or close to large obstacles, on the basis that if lower level rooms are compliant, rooms at the same location on upper floors will achieve improved daylight levels. A total of 55 no. rooms are analysed in total. I note that the Analysis does not consider lower level rooms at the north western elevations of Blocks C and D. however, given that these rooms are north west facing, I am satisfied that the rooms assessed represent a 'worst case scenario' of potential ADF values in each apartment block.

The Daylight Reception Analysis examines internal daylight within the proposed apartments on the basis of Average Daylight Factor (ADF) of habitable rooms within the apartment blocks. In general, ADF is the ratio of the light level inside a structure

to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values of ADF that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley type kitchen is inevitable, it should be directly linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen /living/dining (LKD) layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied. The proposed apartments have combined LKDs, and the applicant’s Analysis applies ADF target values of 2% to the combined LKDs, which is satisfactory based on the higher ADF values being applied to rooms with a combined function, as discussed above. The results presented in section 5.2 of the applicant’s Daylight and Sunlight Assessment may be summarised as follows:

| | No. of Rooms Tested | Rooms Compliant ADF | LKDs Tested | LKDs with ADF < 2% | Bedrooms Tested | Bedrooms with ADF < 1% |
|-------------------|----------------------------|----------------------------|--------------------|------------------------------|------------------------|----------------------------------|
| Block A Level 00 | 9 | 9 | 5 | 0 | 4 | 0 |
| Block A Level 01 | 11 | 11 | 6 | 0 | 5 | 0 |
| Blocks B Level 00 | 8 | 8 | 4 | 0 | 4 | 0 |
| Block B Level 01 | 10 | 10 | 5 | 0 | 5 | 0 |
| Block C Level 00 | 2 | 2 | 1 | 0 | 1 | 0 |
| Block C Level 01 | 10 | 9 | 5 | 1 | 5 | 0 |
| Block D Level 00 | 2 | 2 | 1 | 0 | 1 | 0 |
| Block D Level 01 | 3 | 3 | 1 | 0 | 2 | 0 |
| Total | 55 | 54 | 28 | 1 | 27 | 0 |

The LKD that does not meet the 2% ADF standard is at apartment C102, a south east facing unit on the first floor of Block C. The LKD has an ADF of 1.86%. I note that this result would be well above the 1.5% ADF standard that is generally considered to be appropriate for LKDs in higher density urban schemes where there

are challenges in meeting the 2% ADF in all instances, and to do so would unduly compromise the design/streetscape. In addition, the Daylight Reception Analysis considers alternative, compensatory design solutions and provides details of further analysis to apartment C102 using different calculation parameters such that lighter colours to the floor (taken as “dark” in the above analysis) and wall covering (taken as “medium dark” in the above analysis) were modified to make the average reflectance of the walls, ceiling and floor to 0.68 representing a medium dark floor, medium light walls and a light ceiling. This significantly improved the ADF by 0.30% with a resultant ADF of 2.19% for the LKD at C102 with these measures in place.

The above analysis indicates an overall compliance rate of c. 98%. Given that the analysis presents a ‘worst case scenario’ of apartment units within the overall development and that units on upper floors would achieve higher light levels, I am satisfied overall that a higher percentage of units within the development would exceed the BRE targets and that the overall level of residential amenity is acceptable, is considered to be in reasonable compliance with the BRE standards, in particular noting that the BRE standards allow for a flexible and reasonable alternative for ADFs, and which in any event LKDs are not specifically stipulated in the BRE guidance.

11.4.7. Design and Layout Conclusion

I am satisfied that the development generally achieves an acceptable quality of design and finish such that it provides an adequate standard of residential accommodation for future occupants, subject to conditions, while making optimum use of this zoned and serviced site in an established residential area adjoining the N11 QBC and adjacent to Cherrywood SDZ. The development provides a satisfactory standard of amenity and public realm and will contribute to place making in the wider area. I also consider that the development is generally satisfactory with regard to national and development plan guidance for BTR development.

11.5. **Impacts on Visual and Residential Amenities**

- 11.5.1. Third party submissions object to the development on grounds relating to adverse impacts on residential amenities by way of visual impacts and overbearing impacts on adjacent properties, particularly those at Wyattville Park, also overshadowing and overlooking impacts at adjacent gardens, light spillage from the Astroturf pitch and

other issues. Refusal reason no. 2 recommended by the planning authority states that the development is not in accordance with the 'A' zoning objective to protect and/or improve residential amenity due to its overall scale, massing, built form and its proximity to site boundaries, with resultant adverse impacts by way of overlooking and visual overbearing. The CE Report also states concerns about visual impacts at the N11 site frontage due to overall height and massing and failure to integrate with the streetscape at this location.

11.5.2. Visual Impacts

The site is not within any designated historic landscape or subject to any development plan objectives relating to protected views or prospects. There are no structures or features of historic importance such as Protected Structures or Conservation Areas in the vicinity. I note the photomontage locations indicated in the Landscape and Visual Impact Assessment (LVIA). Based on the site inspection and on my knowledge of the area, I am satisfied that the viewpoints chosen are representative of views in the wider area and are sufficient for a comprehensive assessment of visual impacts of the development.

The site has a prominent location on the N11, adjacent to the junction with the R118 and close to the gateway to Cherrywood SDZ. The development will therefore form a landmark in this area, ref. LVIA viewpoints (VPs) nos. 1, 2, 15, 17, 18 and 19. The LVIA assesses visual impacts as significant-moderate to moderate and negative at VPs 1, 2, 15, 17 and 18. The development will undoubtedly have an assertive presence in views from the N11, which will be dominated by the eight storey Block D and will be intensified by the height of the development site relative to road levels. This strong impact is unlikely to diminish over time given the overall scale of the development, the limited scope of landscaping proposals at the N11 frontage and at the north western site boundary and having regard to the open nature of the site adjoining the school playing fields. However, views of the development from the N11 will be in passing and the scheme must be considered in the context of a continuum of larger scale developments along the N11 including the following:

- Roselawn and Aberdour, Stillorgan Road, Foxrock, Dublin 18, 2-7 storeys, ABP-304068-19.

- The Grange, Brewery Road/Stillorgan Road, Blackrock, Co. Dublin, 5-11 storeys, ABP-305345-19.
- Blakes and Esmonde Motors Site, Lower Kilmacud Road, Stillorgan, Co. Dublin, 3-9 storeys, ABP-300520-17.
- Leisureplex, Old Dublin Road, Stillorgan, Co. Dublin, 2-8 storeys, ABP-305176-19.

The precedent of other large scale residential developments along the Stillorgan Road and at Cherrywood SDZ is also noted. In addition, while I note the concerns of the planning authority and third parties regarding the visual impacts of the proposed pedestrian/cycle access at this location, I consider that the proposed design and layout are generally acceptable in the context of surrounding roads infrastructure. The visual impacts on the N11 are considered acceptable overall on this basis.

The development will have no visibility in views from the wider residential areas north and east of the site, ref. VPs nos. 3, 4, 5, 6, 7, 8, 9, 10 and 11. The LVIA assesses visual impacts at these locations as imperceptible and neutral, which is accepted given the lack of visibility. Likewise, the development will not have a visual presence in views from Cherrywood to the south west, ref. VP 16, with imperceptible and neutral visual impacts at this location.

The development will undoubtedly have significant visual impacts from the public realm and residential properties at Wyattville Park to the immediate north east and south east of the development site. Visual impacts to the north east are represented in LVIA VPs nos. 12, 13 and 14. While I note that the LVIA does not provide any views from private rear gardens in Wyattville Park to the north east of the development, I consider that the CGIs provided for VPs 13 and 14 give an adequate overall impression of views from this direction. The visual presence of the development in VPs 12,13 and 14 is dominated by the north eastern façade of Block A (4-5 storeys over lower ground floor level). This view also includes the new development access and the hard landscaping and boundary treatments associated with the drop off area at the north eastern corner of the site. Visual impacts of the development are exacerbated by the height of ground levels relative to Wyattville Park. I consider that a greater effort could have been made to provide a more attractive façade and public realm at this location, such that the development would

make a positive contribution to the character and identity of the area. This aspect of the development represents a missed opportunity to offer a more positive interaction with the public realm at Wyattville Park and the grounds of St. Laurence College, such as an integrated vehicular/pedestrian/cycle connection between the public realm within the development, the school grounds, and Wyattville Park, as well as more comprehensive hard and soft landscaping proposals and more sympathetic boundary treatments.

The LVIA assesses visual impacts at VPs 12, 13 and 14 as slight-moderate and negative. Given the limited amount of soft landscaping proposed at this side of the development, I do not consider that visual impacts are likely to lessen over time and, considering the strong visual presence of Block A and the design and layout of the vehicular entrance and public realm in this part of the development, I consider that visual impacts are significant and negative at this location. I have particular concerns about the relationship between the north eastern corner of Block A and the adjacent residential properties at nos. 96-102 Wyattville Park, with the six storey façade of Block A being c. 40 m from the side of no. 102 Wyattville Park and c. 35 m from the side boundary of that property. This relationship is indicated in section D-D in drawings nos. 1922-305 and 306, 1922-310 1922-502 and VPs 12, 13 and 14. I consider that there will be particularly adverse impacts on no. 102 Wyattville Park, noting that the intervening area will also be occupied by the public pedestrian/cycle route within the development, by the school access road and the proposed bin store/vehicle shed and noting that the ground levels of the development are higher than those at Wyattville Park. Having regard to these factors and to the drawings and cross-sections on file, I consider that VPs 12, 13 and 14 give a misleading impression of the scale of the development at this location and underestimate visual impacts.

The development site is situated to the immediate north west of nos. 8A – 47A Wyattville Park and will share a boundary with the rear gardens of those properties. The LVIA does not include views from the rear gardens of these properties, as noted in submissions by residents. However, I consider that there is ample information provided in the elevations and cross sections on file to allow for a detailed consideration of visual and other impacts at this location. The intervening separation distances, as indicated in Figure 6.10 of the Planning Report, range from 35.8 m

between Block A and the rear façade of no. 39 Wyattville Park to 48.3 m between Block D and the rear façade of no. 13 Wyattville Park. Third parties state concerns about the unrelieved nature of the south eastern elevations of the development. I note that the blocks are stepped down towards the south eastern site boundary such that there are 3-4 storey elevations (three storey over lower ground floor) facing the rear of properties at Wyattville Park, with high level windows to obviate overlooking. However, the cross sections indicate that the floor level of the undercroft car park will be higher than that of the houses and gardens within Wyattville Park in some places, particularly at the north eastern end of the site. In addition, the contiguous elevations indicate continuous façades to the undercroft car parks at ground and lower ground level which, given the difference in ground levels and the low height of the retained intervening site boundary, will be partially visible from the rear of houses in Wyattville Park. Furthermore, and of greater concern is the presence of podium level open spaces c. 25-30m the rear boundaries of the Wyattville houses. While screen walls may prevent direct overlooking of rear gardens, they themselves will have significant visual impacts and there will be general adverse impacts on residential amenities due to noise, disturbance, etc., which will be intensified by the elevated location of the podium spaces relative to the Wyattville gardens. The intervening space is occupied by hardstanding car parking and vehicle circulation spaces, which do not offer much opportunity to ameliorate impacts by way of soft landscaping. I also note and accept the contention of Wyattville residents that, while Blocks A – D will present a 3-4 storey façade at this location, the higher elements of the blocks will also have a strong visual presence, notwithstanding that they are set back further from the rear facades of Wyattville. I accept that any development of these zoned and serviced lands would change the outlook from adjoining residential properties, however, I consider that the subject proposal will have an unacceptable impact at this location due to its overall scale and mass, to the relative ground levels, to the design of the elevations facing south east, to the presence of the podium open spaces and to the lack of soft landscaping at the south eastern side of the development. I therefore consider that the development does not provide an appropriate response to the specific boundary conditions at this location.

Having regard to the above issues, I consider that the development is not in accordance with the guidance provided in the Urban Design Manual that

accompanies the Sustainable Residential Development Guidelines, specifically Criteria nos. 1 Context, 6 Distinctiveness, 7 Layout, 8 Public Realm and 12 Detailed Design, due to the poor response to neighbouring properties, lack of contribution to the public realm and poor quality environment in parts of the development.

11.5.3. Overlooking Impacts on Residential Amenities

The development has been designed to prevent overlooking of adjacent properties with the use of high level windows at facades facing adjacent rear gardens. The balconies in the development face the internal courtyards, the school grounds, the N11 and the wider area and will not result in significant overlooking. There are adequate separation distances from the north eastern façade of Block A to adjacent rear gardens and facades to obviate overlooking. There are boundary screens to the sides of the podium spaces to prevent overlooking to the south east. Given the intervening distances, the development will not result in any direct overlooking of residential properties on the western side of the N11 such as Willow Place. I am satisfied on this basis that the development will not result in any significant adverse impacts on residential amenities by way of direct overlooking.

11.5.4. Daylight and Sunlight Impacts on Residential Amenities

In designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. The submitted Effects on Daylight Reception Analysis and Sunlight Reception Analysis consider the effects of the development on daylight Vertical Sky Component (VSC) at rear windows and on sunlight hours to gardens at neighbouring properties with regard to the BS 2008 Code of Practice for Daylighting and the BRE 209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011). As discussed in relation to the Daylight Reception Analysis, the applicant's analysis also refers to the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK), however this updated guidance does not have a material bearing on the outcome of this assessment and the relevant guidance documents in this case remain those referred to in the Urban Development and Building Heights Guidelines, i.e. BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight. The Effects on Daylight Reception Analysis examines impacts on VSC at ground floor windows with regard to the BRE guidance adjacent locations as listed below.

| Receptor | Existing VSC | Resultant VSC | VSC Change |
|--------------------------------|--------------|---------------|------------|
| 9A Wyattville Park | 36% | 34% | 0.93 |
| 10A Wyattville Park | 36% | 33% | 0.92 |
| 11 Wyattville Park | 36% | 33% | 0.92 |
| 15 Wyattville Park | 36% | 31% | 0.86 |
| 17 Wyattville Park | 36% | 31% | 0.86 |
| 19 Wyattville Park | 36% | 31% | 0.85 |
| 21 Wyattville Park | 36% | 31% | 0.85 |
| 25 Wyattville Park | 36% | 30% | 0.84 |
| 27 Wyattville Park | 36% | 31% | 0.85 |
| 29 Wyattville Park | 36% | 30% | 0.84 |
| 35 Wyattville Park | 36% | 30% | 0.85 |
| 37 Wyattville Park | 36% | 31% | 0.86 |
| 39 Wyattville Park | 36% | 31% | 0.86 |
| 41 Wyattville Park | 36% | 31% | 0.87 |
| 103A Wyattville Park | 36% | 34% | 0.94 |
| | 34% | 32% | 0.96 |
| 102 Wyattville Park | 36% | 33% | 0.91 |
| St. Laurence College Classroom | 36% | 32% | 0.9 |
| St. Laurence College Classroom | 36% | 32% | 0.89 |

The Analysis finds that the resultant VSC values are greater than the BRE guideline value of 27% in all instances and exceed 80% of the baseline values in all instances, therefore complying with BRE recommendations.

The Sunlight Reception Analysis examines impacts on sunlight hours at adjacent rear gardens at the rear gardens of the properties in Wyattville Park to the immediate south east and north east of the development site, as well as the St. Laurence College playing pitch (ref. Image 6.1 of the Sunlight Reception Analysis) with regard to the BRE guidance that at least 50% of the amenity space should receive at least two hours or more of sunlight on the 21st March and that any loss of sunlight should

not be greater than 0.8 (20% reduction) times its former size. All off the 26 no. locations assessed met the above BRE standard before and after the development. A total of 11 no. locations had no change in sunlight hours and 15 no. locations had a slight reduction in sunlight hours such that the % change was within acceptable parameters, ref. Table 6.2 of the Sunlight Reception Analysis.

I note the concerns stated by third parties regarding the accuracy of the shadow analysis and the submitted shadow diagrams. However, having regard to (i) the intervening separation distances; (ii) the orientation of the development relative to adjacent residential properties; (iii) the relative height of the south eastern side of Blocks A, B,C and D; (iv) the VSC findings summarised above and (iv) the number and location of the individual properties examined and to the guidance provided in Figure 20 of BRE 209, I consider that the Effects on Daylight Reception Analysis and Sunlight Reception Analysis provide a comprehensive overview of potential daylight and sunlight impacts on adjacent residential properties, including those most likely to be impacted by the proposed development. I also consider that the above results are consistent with what would generally be expected from the design and layout of the proposed development at this location, given that the lower elements of the development are positioned adjacent to existing residential properties and that satisfactory setback distances are achieved with regard to potential daylight and sunlight impacts. Having regard to the above findings, I consider that impacts on daylight and sunlight at adjacent existing residential properties will be minimal and are not beyond what could be expected from any optimal development of these zoned and serviced lands. I am therefore satisfied that the development will not have any significant adverse impacts on daylight or sunlight at adjacent residential properties.

11.5.5. Interaction with St. Laurence College and Impacts of new AstroTurf Pitch

The proposed works to the grounds of St. Laurence College comprise changes to the vehicular access, a new pedestrian connection, a single storey bin/vehicle store and a new floodlit AstroTurf pitch with associated footpath, ball netting and flood lighting, to the east of the existing school buildings. I consider that the AstroTurf pitch is the only element of the changes to St. Laurence College that is likely to have any potential for significant impacts on residential amenities. I note third party concerns in relation to floodlighting at this location. The new AstroTurf pitch will replace an

existing facility at the development site and will not result in any intensification of use at the school grounds. The existing vegetation at site boundaries is to be retained in this area and the pitch is set back c. 7-10 m from the adjacent rear boundaries of properties at Wyattville Park and over 80 m from properties at Shanganagh Vale. I note that the DLRCC Public Lighting Report states that the AstroTurf pitch lighting design is 'acceptable, with careful consideration taken into account for neighbouring trees and residential amenities'. Having regard to the submitted cross sections, and Astro Pitch Lighting Analysis, I do not consider that there will be any significant adverse impact on visual or residential amenities, subject to the imposition of a condition to regulate flood lighting if permission is granted.

11.5.6. Construction Impacts on Residential Amenities

Third party submissions state concerns about potential impacts on residential amenities relating to dust, noise, and construction traffic during the construction period, as well as potential anti-social behaviour at the construction site. The application includes an Air Quality Impact Assessment, which considers impacts on air quality during construction, an Outline Construction Management Plan, which includes details of construction traffic management and proposals for monitoring at neighbouring properties during construction and an Outline Construction and Demolition Waste Management Plan. All of these documents address potential adverse impacts on residential amenities during construction and I am satisfied that, subject to the implementation of a detailed Construction Management Plan and a Construction Traffic Management Plan, which may be required by condition if permission is granted, the construction phase of the development would not have any significant adverse impacts on residential amenities.

11.5.7. Impacts on Residential and Visual Amenities Conclusion

To conclude, with regard to the above assessment, I am not convinced that the development achieves a satisfactory interaction with the surrounding existing residential area. I note section 28 ministerial guidelines in particular the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and the associated Urban Design Manual and Criteria no. 1 Context, 6 Distinctiveness, 7 Layout, 8 Public Realm and 12 Detailed Design in this regard and I consider that the proposed development has not adequately satisfied these criteria. The development

is also considered to contravene development plan Policy UD1, which seeks to ensure that all development is of high quality design that assists in promoting a 'sense of place', due to its adverse impacts on residential and visual amenities and to its lack of integration with the public realm at Wyattville Park and St. Laurence College.

11.6. Building Height

11.6.1. Many third party submissions raise concerns about the overall height and scale of the development and submit that the development is excessive in scale and out of character with the surrounding area. Elected Members have also objected to the proposed height and refusal reason no. 1 recommended by the planning authority states that the development, by reason of its overall scale, height, massing, built form and the monolithic form of apartment blocks to Wyattville Park, fails to have regard to its surrounding context and will have a detrimental impact on the character of the surrounding area. The planning authority considers that the development is contrary to development plan Policy UD1 and Appendix 9 (Building Height Strategy) and the Building Height Guidelines. The development may be considered in terms of consistency with national planning policy and with development plan policy on building height separately as follows.

11.6.2. Dun Laoghaire Rathdown Building Height Strategy

Development Plan Policy UD6 is to adhere to the recommendations and guidance within the Building Height Strategy for the county, which is set out in Development Plan Appendix 9. The development is outside of any areas that have specific provisions in relation to building height and is therefore in a 'residual suburban area' as per the Building Height Strategy. The Strategy applies a general height limit of 3-4 storeys for apartment developments at appropriate locations such as prominent corner sites, on large redevelopment sites or adjacent to public transport nodes, all of which apply at the development site. The 3-4 storey limit applies subject to 'upward' and 'downward' modifiers. I consider that the following 'upward modifiers' potentially apply to the development site, with regard to the criteria provided in section 4.8.1 of the Building Height Strategy:

- The development would create urban design benefits including a context for the green spaces of St. Laurence College and improved legibility at a prominent site located at the junction of the N11 and R118 and adjoining the N11 QBC. There is therefore potential for the development to benefit the legibility, appearance, and character of the area.
- The development provides a desirable contribution to the public realm in the form of a new landscaped pedestrian/cycle connection between the N11 and Wyattville Park.
- The development would contribute to the promotion of higher densities at a location with exceptional public transport accessibility, within 100 m of a QBC.
- The overall scale of the site at c. 3 ha and the site context adjoining the N11 and an area of open space allows for development with greater height away from site boundaries with existing residential development.

The planning authority states serious concern with the height and overall massing of the development relative to adjacent residential properties and therefore considers that 'downward modifier' no. 1 'Residential living conditions through overlooking, overshadowing or excessive bulk and scale' would apply in this instance. As discussed above, I consider that the development will have an adverse impact on residential and visual amenities at Wyattville due to the design and layout of the apartment blocks and to the lack of integration of the development with the surrounding area. However, these considerations relate to specific aspects of the proposed design rather than to overshadowing or excessive bulk and scale overall and I therefore do not consider that 'downward modifier' no. 1 applies in this instance, notwithstanding that I consider separately that the development would contravene development plan Policy UD1. However, given that the development is not at a location where specific development plan provisions apply in relation to building height and that the proposed height of eight stories would exceed the relevant provisions in the Building Height Strategy even if the above 'upward modifiers' are considered to apply, I consider that the development materially contravenes the Building Height Strategy and related Policy UD6.

11.6.3. National Planning Policy on Building Height

NPO 35 of the NPF seeks to increase residential densities in settlements and NPO 13 states that building heights in urban areas 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. The principle of increased height, such as that set out here, is therefore supported by the NPF, subject to compliance with the relevant performance criteria.

Section 1.21 of the Building Height Guidelines sets out that that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas and section 2.3 of the Guidelines states that, while achieving higher density does not automatically and constantly imply taller buildings alone, increased building height is a significant component in making optimal use of the capacity of sites in urban locations where transport, employment, services or retail development can achieve a requisite level of intensity for sustainability. Section 2.4 of the Guidelines highlights that increased building height helps to optimise the effectiveness of past and future investment in public transport serves including rail, Metrolink, LUAS, Bus Connects and walking and cycling networks. The Building Height Guidelines also note that planning authorities have sometimes set generic maximum height limits across their functional areas. It is noted that such limits, if inflexible or unreasonably applied, can undermine wider national policy objectives to provide more compact forms of urban development as outlined in the NPF, also that such limitations can hinder innovation in urban design and architecture leading to poor planning outcomes.

Section 3 of the Building Height Guidelines sets out principles and criteria for planning authorities and the Board to apply when considering individual applications. SPPR 3 of the Guidelines states:

It is a specific planning policy requirement that where;

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

2. *the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise ...*

The development may be considered with regard to the principles and criteria set out in section 3 as follows, with regard to the rationale submitted by the applicant, to the analysis provided in the CE Report and to third party comments. I am satisfied that there is adequate documentation on file, including drawings, layouts, design details, Landscape and Visual Impact Assessment (LVIA), photomontages and CGIs and the Effects on Daylight Reception Analysis and Sunlight Reception Analysis, to enable due consideration on the following matters and I have had regard to same. The assessment is also based on my site inspection dated 9th September 2021.

I have considered the development with regard to the development management principles set out in section 3.1 of the Building Height Guidelines as follows:

Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?

The development site is in an established residential area c. 600m from the emerging town centre at Cherrywood and adjoining the N11 QBC and associated pedestrian and cycle infrastructure. The development of an underutilised infill site is therefore considered to support the above principle.

Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?

The development exceeds the building height parameters set out in the Building Height Strategy of the Dun Laoghaire Rathdown County Development Plan 2016-2022 for this location. The Strategy identifies key locations where taller buildings are to be accommodated and provides for the designation of specific sites to accommodate taller buildings under LAPs, Framework Plans and SDZs, generally in accordance with SPPR 1 of the Building Height Guidelines. The development plan Building Height Strategy predates the Building Height Guidelines.

Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?

I am satisfied that the development plan and Building Height Strategy are generally consistent with and support the policies and objectives of the NPF. However, I note the provisions of NPF NPO 13, which provides that planning standards for building height in urban areas will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth and states:

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.

I also note NPO 35, which seeks to increase residential density in settlements through a range of measures including infill development schemes, site-based regeneration, and increased building heights.

Having regard to the applicant's rationale for the proposed building height, to the planning's authority's assessment of the matter as set out in the CE Report and to my detailed analysis of the documentation on file and site inspection, I have considered the development with regard to the development management criteria set out in section 3.2 of the Building Height Guidelines as follows:

At the scale of the relevant city/town

- The site is a substantial area of undeveloped zoned and serviced lands in an established residential area.
- The site has a highly accessible location adjoining the N11 QBC with a high frequency of bus services and associated pedestrian and cycle infrastructure. The application includes a Mobility Management Strategy.
- The site is not immediately adjacent to any designated Architectural Conservation Areas or protected structures. I am satisfied with regard to the submitted Architectural Design Statement and LVIA that the development will not have any significant adverse visual impacts in the wider area and that no key landmarks or views will be unduly impacted.
- I consider that the development will have a strong presence at the junction of the N11 and R118 and adjoining the N11 QBC and provides an opportunity to improve legibility at this location. The development incorporates a new pedestrian/cycle connection between the N11 and Wyattville, which represents a significant planning gain. However, the north eastern site of the development fails to integrate successfully with the public realm at Wyattville and St. Laurence College.
- While the south eastern side of the development is stepped down to respond to the adjoining residential properties at Wyattville, it is considered that, having regard to the detailed

elevations, to the design and layout of the development and to the relative ground levels, that the development will have an overbearing impact on residential development at Wyattville with consequent adverse impacts on residential amenities.

At the scale of the district/neighbourhood/street

- Due to its design and layout, the south eastern side of the development will be overbearing relative to adjacent residential properties at Wyattville, due to the presence of unrelieved facades to the undercroft parking areas, which are surmounted by screens to podium open spaces. In addition, the north western façade of Block A and the public realm at the north western corner of the development will be overbearing and will not integrate successfully with the public realm at Wyattville and St. Laurence College.
- It is considered that the development therefore will not make a positive contribution to the character and identity of the area, notwithstanding the provision of a new pedestrian/cycle connection between the N11 and Wyattville, which is a desirable element of the scheme.
- The issue of potential flood risk is assessed below, which concludes with regard to the Flood Risk Management Guidelines that the site is entirely located in Flood Zone C and that no significant flood risk arises at or as a result of the development.
- The development will make a positive contribution to the mix of housing typologies in the area, which is generally characterised by low density two storey housing.

At the sale of the site/ building

The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.

The attention of the Board is drawn to the above assessment of potential overshadowing impacts on adjacent residential properties in detail and concludes that the development will not have significant adverse impacts on residential amenities by way of overshadowing. I accept that the development will change the outlook from adjacent residential properties, however this will be the case of any high density development of these zoned and serviced lands, in line with national planning policy.

Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving

wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.

The applicant's Daylight Reception Analysis and Sunlight Reception Analysis consider access to daylight and sunlight within the proposed apartments as well as overshadowing of amenity spaces within the development, with regard to BS 8206-2:2008 recommendations, as summarised above. I am satisfied that the submitted Daylight Reception Analysis and Sunlight Reception Analysis are sufficient to assess a development of the scale proposed. Overall, I consider that compliance with BRE 209 and BS2008 is achieved, and that the amenity of existing residents and future residents is satisfactorily addressed and maintained.

Specific Assessments

The application includes the following:

- Microclimate Impact Assessment
- Ecological Impact Assessment
- AA Screening Report
- EIA Screening Report
- Architects Design Statement.

The development will not impact on telecommunications channels or on air navigation and related specific assessments are therefore not considered necessary in this instance.

11.6.4. Building Height Conclusion

I consider that the development materially contravenes the Building Height Strategy and related Policy UD6. The issue of building height is addressed in the applicant's Material Contravention Statement and it is open to the Board to invoke the provisions of section 37(2)(b) in relation to the matter. However, having regard to the applicant's rationale, to the DLRCC CE Report, to the comments of third parties and to my above assessment and in view of other national policies, I consider that proposed development does not satisfy the criteria set out in section 3.2 of the Building Height Guidelines. The development site does offer an opportunity for increased height in order to achieve an optimum residential density in accordance with national planning policy. However, having regard to the assessment of impacts on residential and visual amenities above, it is considered that the development does not achieve a satisfactory response to adjacent residential properties or integrate successfully with the public realm and therefore does not provide the optimal design solution for the site, having regard to the site's locational context. At the scale of the

district/neighbourhood/street, the applicant has not satisfactorily demonstrated that the development would make a positive contribution to the streetscape as, having regard to the design and layout of Block A and the proposed multi modal vehicular entrance and public realm at the north eastern corner of the site, it is considered that the development does not make a satisfactory contribution to the public realm of Wyattville Park and St. Laurence College. At the scale of the site/building, the south eastern side of the development will be overbearing relative to adjacent residential properties at Wyattville, due to its design and layout, in particular to the presence of unrelieved facades to the undercroft parking areas, which are surmounted by screens to podium open spaces. The development would, therefore, be contrary to the Urban Development and Building Heights Guidelines for Planning Authorities.

11.7. Traffic and Transportation

11.7.1. Proposed Vehicular /Pedestrian/Cycle Connections and Consistency with DMURS

The proposed pedestrian/cycle layout provides a new connection between Wyattville and the N11, which will improve pedestrian and cycle permeability in the area, in accordance with the principles of DMURS. The proposed vehicular connection is to Wyattville Park, to the immediate east of the existing access to St. Laurence College, which is to be retained. Submissions by residents of Wyattville state that there is already a substantial amount of traffic congestion in the estate, much of which is associated with the school, and there are concerns about the capacity of roads within the estate to cater for additional traffic generated by the development. There are particular concerns about a potential traffic hazard at the signalised access to Wyattville from the R118, due to the road geometry within Wyattville estate, which includes a sharp bend close to the road junction. Section 2.0 of the Traffic Impact Analysis (TIA) provides details of the receiving environment within Wyattville and notes the following:

- The site entrance is 275 m from the Wyattville estate/R118 signalised junction.
- The route from the school entrance to the Wyattville/R118 junction involves progressing through two no. priority junctions, the first at the intersection of two sections of Wyattville Park and the second at the intersection of Wyattville Park and Wyattville Hill.

- Sightlines at both intersections are a minimum of 50 m, compliant with a speed limit of 50 km/h under DMURS.
- All roads along this 275 m length are well maintained concrete carriageways, 6 m in width, consistent with the requirements of 'link' roads under DMURS.

It is submitted on this basis that the roads layout between the site access and the R118 is therefore generally consistent with DMURS. A DMURS Compliance Statement is also submitted in support of the proposed layout. I consider the layout to be generally acceptable, noting that the application includes a Quality Audit, which comprises Road Safety Audit, Access Audit, Walking Audit, non-Motorised User Audit and Cycle Audit, which do not raise any significant issues in relation to any traffic hazard at the development site.

The applicant's Audit also considers the pedestrian/cycle/vehicular access to Wyattville and the pedestrian/cycle access to the N11. No significant traffic hazards are identified either within the development site or on adjacent streets in Wyattville. Section 3.7 of the Quality Audit notes evidence of on-street parking within Wyattville, between the development/school accesses and the R118, which may currently provide passive traffic calming for existing traffic using the residential street. However, a significant increase in the number of vehicles on the route within Wyattville may lead to frequent flow breakdown and queuing, resulting in driver frustration and rear-end-shunt or material damage collisions. The Audit recommends a risk assessment such that, if unacceptable risks are identified, the applicant could liaise with the local authority to remove or reduce the number of vehicles currently parking on street within Wyattville. As per the discussion below, the proposed quantum of car parking is considered acceptable overall. I consider that the management of parking at locations beyond the development site is outside the control of the applicant and that on-street parking management is a matter for the local authority if issues arise subsequent to the occupation of the completed development. I therefore do not recommend any such risk assessment in this instance.

I note that the Audit does not consider vehicular movements on roads outside the development site within Wyattville, as raised in third party submissions. I accept that the Audit is deficient in this respect. However, I note that DLRCC Transportation

Planning Division does not raise any concerns in relation to this matter but notes the findings of the applicant's TIA and recommends conditions. The proposed roads layout is considered acceptable on this basis.

11.7.2. Traffic Impacts

The TIA is based on traffic survey data collected on Tuesday 28th May 2019 at the Wyattville/R118 junction and at the R118/N11 off ramp. I note and accept the comments of third parties that St. Laurence College would not have been operating at full capacity due to school holidays on this date. The traffic surveys are therefore likely to underestimate existing traffic volumes within Wyattville during the AM peak, however the PM peak would be less impacted by school traffic.

Future traffic flows in the area for 2022 and 2037 are projected based on TII growth rates as per the TII 'Project Appraisal Guidelines for National Roads Unit 5.3 – Travel Demand Projections'. These are based on medium growth rate projections for Dun Laoghaire Rathdown County Council and would be considered robust given the medium to long term policy in the Dublin city area to significantly reduce car usage for the journey to work over the coming years. Traffic generated by the development is estimated using the TRICS database, based on a car parking allocation of 200 spaces.

The projected increases in traffic flows at both locations are well below the thresholds provided in the 2014 Traffic and Transport Assessment Guidelines which are 10% of existing turning movements at uncongested junctions, or 5% of turning movements if the location has the potential to become congested. No further analysis of the R118/N11 junction is carried out on this basis. This is accepted given that, due to the scale of the development, traffic generated by it would be a small proportion of overall traffic flows at the R118/N11 junction. The detailed analysis of the Wyattville/R118 signalised junction assumes that the existing junction geometry will be retained, noting that third parties state particular concerns about the capacity of the junction layout at this location. The junction presently has an overall maximum Degree of Saturation (DoS) of 62% in the AM peak and 51% in the PM peak, noting however that figure provided for the AM peak in May would be lower than during term time. Both figures are well below the 85% DoS generally considered to be the

threshold for traffic congestion. The projected maximum DoS figures may be summarised as follows:

| Year | Without Development | | With Development | |
|------|---------------------|------------|------------------|------------|
| 2022 | AM max 65% | PM max 53% | AM max 65% | PM max 54% |
| 2037 | AM max 74% | PM max 61% | AM max 75% | PM max 63% |

The TIA concludes on this basis that the development will not have a significant adverse impact at the R118/Wyattville junction as it will operate within capacity and traffic flows will increase by only 2% at the junction. I note third party comments that the TIA is likely underestimate future traffic flows given that they are derived from survey data obtained outside term time. However, the above projected traffic volumes are all well below 85% DoS, including for the AM peak which is likely to be more greatly affected by school traffic and, noting the highly accessible location of the site and the school adjoining the N11 QBC, I am satisfied that the development will not result in any significant adverse traffic impacts at local junctions, such as would warrant a refusal of permission. The comments of TII, which do not state any particular concerns in relation to traffic generated by the proposed development, are also noted in this regard.

11.7.3. Car and Cycle Parking

Many third party submissions comment that the development provides limited car parking and state concerns that this limited provision will result in a significant amount of overspill parking on adjacent residential roads with a consequent traffic hazard. The development provides a total of 200 no. car parking spaces, which may be analysed with regard to the car parking standards set out in development plan section 8.2.4.5 as follows (after the applicant's Parking and Mobility Report and DLRCC Transportation Planning Report):

| Land Use | Development Plan Requirement | No. of Spaces Provided |
|--------------|---|---|
| Apts | 1 space x 105 no. 1 bed units = 105 spaces 1.5 spaces x 145 no. 2 bed units = 218 spaces 2 spaces x 6 no. 3 bed units = 12 spaces Total resi requirement = 335 spaces | 162 no. resi spaces (114 undercroft, 48 surface) 8 no. disabled resi spaces (6 no. undercroft, 2 no. surface) 10 no. surface visitor spaces Total resi provision = 180 spaces |
| Creche | 1 space per 1 staff member including set down Total creche requirement = 8 spaces | Total creche = 6 surface spaces |
| Café | 1 space per 15 sq.m. GFA Total café requirement = 9 spaces | Total café = 9 surface spaces (incl 1 no. disabled space) |
| Also | | 2 no. surface car club spaces 3 no. surface parent and child spaces |
| Total | Total Development Plan Requirement = 352 spaces | Total Provision = 200 spaces |

The Parking and Mobility Report details that the development also provides 10 no. motorcycle spaces in addition to the above car parking provision. The residential undercroft car parking spaces include 20 no. spaces with EV charging points. The car and motorcycle parking are to be managed as per the submitted Outline Car Park Management Strategy and Residential Travel Plan. Parking will be monitored and managed on an ongoing basis to ensure the most efficient use of spaces.

The report of DLRCC Transportation Planning Division dated 30th August 2021 states concerns regarding the proposed level of residential car parking provision at what it considers to be a suburban location. It recommends a car parking provision of 1 space per unit, a total of 256 no. spaces, to serve the entire development including the apartments, 2 no. car club spaces, 7 no. disabled spaces, 8 no. creche spaces and 10 no. visitor spaces. The design and layout of the proposed car parking areas are generally considered acceptable.

The proposed provision of 182 no car parking spaces (180 resi spaces + 2 no. car club spaces) for 256 no. apartments entails a ratio of 0.71 spaces per unit. This ratio increases to 0.78 spaces per unit if ancillary car parking spaces are taken into consideration. The applicant's Parking and Mobility Report justifies the proposed car parking quantum based on projected car usage at the scheme, which is derived from Census data on car ownership levels and modal split for electoral districts close to the development site. It is submitted that the ancillary car parking will be managed and can be used as visitor spaces for the residential units when the creche and café are closed, therefore the car parking ratio of 0.78 spaces per unit applies. This point is accepted given that the combination of uses at the scheme allows for complimentary usage of parking spaces and noting that SPPR 8 (iii) of the Apartment Guidelines states that the requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures. SPPR 8 (iii) also provides that there shall be a default of minimal or significantly reduced car parking provision for BTR development on the basis that it is more suitable for central locations and/or proximity to public transport services. As discussed above in relation to residential density, I consider that this is a 'Central and/or Accessible' location in the context of the Apartment Guidelines. It is consistent with the description of such locations as outlined in section 4.20 of the Guidelines in relation to car parking, due to its proximity to the N11 QBC and adjacency to employment at Cherrywood. The submitted proposed Mobility Management Plan is also noted in this regard. Given that the default policy is to minimise car parking provision at such locations, the proposed car parking provision of 0.78 spaces per unit is considered acceptable at this location with regard to this policy guidance, also given the proximity of pedestrian and cycle infrastructure and given that the proposed parking provision will be managed. Additional car charging spaces and full details of the car club may be required by condition if permission is granted.

The proposed cycle parking provision may be considered with regard to development plan standards and to the guidance provided in section 4.17 of the Apartment Guidelines as follows (after the submitted Parking and Mobility Report):

| Land Use | Development Plan | Apt Guidelines | No. of Spaces Provided |
|--------------|--|--|--|
| Apts | 52 no. short stay spaces 256 no. long stay spaces Total: 308 spaces | 413 no. apt spaces 128 no. visitor spaces Total: 541 spaces | 535 no. resi spaces 20 no. resi large bikes 10 no. resi cargo bikes Total Resi: 565 spaces |
| Creche | 3 no. short stay 2 no. long stay Total: 5 spaces | N.A. | 6 no. long stay spaces 6 no. short stay spaces Total Creche: 12 spaces |
| Café | 2 no. short stay 2 no. long stay Total: 4 spaces | N.A. | 3 no. long stay spaces 3 no. short stay spaces Total Cafe: 6 spaces |
| Total | 317 spaces | 541 spaces | 583 spaces |

The cycle parking provision therefore exceeds the quantitative requirements of the development plan and the Apartment Guidelines. However, the proposed undercroft cycle storage area provides double stacked cycle parking, which is unacceptable to DLRCC Transportation Planning with regard to DLRCC Cycle Standards. I concur with this point and recommend that a required parking storage arrangement be required by condition if permission is granted, in the interests of improved accessibility. The proposed cycle parking provision is considered acceptable on this basis.

11.7.5. Construction Traffic

The submitted Outline Construction Traffic Management Plan provides details of construction traffic management including haul routes, parking arrangements, management of deliveries, measures to minimise construction vehicle movements and liaison with local residents. There will be one temporary construction traffic access to the development from the N11. Moderate volumes of construction traffic are anticipated given the limited scale of the development. A temporary 'left in, left out' construction access from the N11 is proposed, with no construction access via Wyattville. Staff parking on nearby residential roads at Wyattville will be prohibited. I note that DLRCC Transportation Planning Division states no concerns in relation to

construction traffic, subject to conditions. I am satisfied that, subject to the implementation of a final Construction Traffic Management Plan, which may be required by condition, the construction traffic associated with the development will not have any significant adverse impacts on adjacent residential areas or adverse traffic impacts.

11.8. Drainage, Flood Risk and Site Services

- 11.8.1. The development will connect to the existing surface water infrastructure in the area. The submitted Infrastructure Report and Surface Water Audit provide details of the proposed surface water drainage design including SuDS measures such as permeable paving, green roof areas, soft landscaping, swale areas and infiltration trenches. The proposed surface water drainage system will attenuate discharge from the completed development to a rate that has been agreed with DLRCC Drainage Division. The report of DLRCC Drainage Planning, dated 24th August 2021, states that the applicant has engaged in an iterative process of constructive engagement with Drainage Planning and that the proposed drainage design is generally satisfactory subject to conditions. The Drainage Division is satisfied that the development achieves sufficient attenuation volume. The SSFRA states that the site is entirely within Flood Zone C. There is no history of groundwater flooding in the area according to the OPW National Flood Hazard Mapping. I note that the planning authority states no concerns in relation to flood risk at the site. I am satisfied from the SSFRA that the development is not located in an area at risk of flooding and will not result in any increase risk of downstream flood impacts.
- 11.8.2. The development will connect to the existing foul sewerage network and public watermain. The Infrastructure Report provides details of projected water demand and foul outflows from the development and new watermains and foul network design. I note third party concerns about the capacity of local water infrastructure and comments that the application is not accompanied by evidence that Irish Water has confirmed that it is feasible to provide the appropriate services and relevant network capacity, referring instead to previous correspondence. However, the current submission on file from Irish Water, dated 12th August 2021, states that IW has issued a Statement of Design Acceptance and recommends conditions. No significant infrastructural or capacity issues are identified. The proposed foul drainage arrangements are considered satisfactory on this basis.

11.9. Ecology

- 11.9.1. The submitted Ecological Impact Assessment (EclA) is based on site surveys carried out on 26th August 2019 and 14th August 2020 (including a Bat Survey) in addition to weekly site visits carried out between 7th September 2019 to March 2020 and 2nd January to 27th March 2021 weekly site visits were carried out to monitor the site for wintering birds that are qualifying interests of nearby designated sites. Potential issues pertaining to designated sites are discussed below in relation to AA. The EclA provides details of existing habitats at the development site, which are dominated by buildings and artificial surfaces and amenity grassland, with no flora or fauna of conservation importance noted in these areas. There are treelines in the northern and north eastern areas of the site and some ornamental/non-native scrub beside the school, which will not be affected by the development. No invasive plant species or rare or threatened plant or faunal species were recorded within the development site.
- 11.9.2. The on-site bird surveys comprised a total of 14 no. site visits during the wintering bird season between 7th September to 7th December 2019, at times of low activity on site and greater potential for foraging activity for wintering birds due to the lower disturbance on site. The surveys have resulted in a single sighting of oystercatcher (8 individuals) during a high tide survey on the 26th October 2019 and up to 11 black headed gulls during 5 separate surveys over the survey period. No Brent Geese or evidence of Brent geese, e.g. droppings or feathers, were noted on site. The site is not recorded as ex-situ inland feeding site for Brent Geese in Dublin based on the 2012-2017 surveys carried out by Scott Cawley in the Dublin Region.
- 11.9.3. Two bat surveys were carried out within the active bat season in good weather conditions. No evidence of a bat roost was found in any of the onsite trees. Foraging activity of a soprano pipistrelle was noted proximate to the treeline area in 2019.
- 11.9.4. The development will involve the removal of the existing terrestrial habitats on site and considerable re-profiling and excavations. The removal of these habitats will result in a loss of habitats of low biodiversity importance. The area is not deemed to be an important foraging area for terrestrial mammals or birds. The treeline along the north eastern perimeter will remain. Construction management measures are

proposed, including surface water management measures and waste management measures.

11.9.5. Loughlinstown Woods pNHA is located 369 m from the development site. There is no direct hydrological pathway from the development site to the pNHA. There are indirect pathways via foul and surface water drainage, which will drain to the public surface water and sewerage networks. No indirect impacts on the pNHA are anticipated with regard to the effluent discharge from the proposed development works, the scale of the development, the distance between the proposed development site and the pNHA, the lack of direct hydrological pathway or biodiversity corridor link to the pNHA and the dilution effect with other effluent. No significant effects on the pNHA are therefore anticipated.

11.9.6. The EclA states that the biodiversity value of the site will increase as the proposed landscaping matures. It is not expected that lighting associated with the development will significantly impact the local bat population, having regard to the current levels of light spill from adjacent public road lighting and the proposed lighting plan. The overall predicted ecological impacts are neutral, localised, and slight to moderate. No significant cumulative impacts are predicted. These conclusions are accepted, subject to the implementation of the proposed mitigation measures (which may be required by condition), given the limited biodiversity value of habitats present at the site. The recommendations of IFI are also noted in this regard, and may also be required by condition if permission is granted.

11.10. Other Matters

11.10.1. Part V

The applicant has consulted with DLRCC Housing Dept. and has reached an agreement in principle to lease 25 no. units on-site to DLRCC on a long term basis, in order to comply with the requirements of Part V of the Planning and Development Act 2000 (as amended). The units agreed comprised 16 no. one-bed units and 9 no, two-bed units, dispersed throughout the development. A site layout plan indicating the units to be leased is submitted, along with costings. I note the report of DLRCC Housing Dept., dated 17th August 2021, which states that the applicant's proposal is capable of comply with Part V requirements, subject to further agreement. The Part V proposals are considered acceptable on this basis.

I note the recent Housing for All Plan and the associated Affordable Housing Act 2021 which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

11.10.2. Childcare

The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One bed or studio units should generally not be considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with two or more bedrooms.

The development includes 105 no. one-bed units, 145 no. two-bed units and 6 no. three-bed units. This entails a maximum childcare requirement of 40 childcare places if all of the two-bed units are taken into account. The applicant's Childcare and School Demand Assessment provides details of existing childcare provision in the area and notes that childcare demand generated by the development is likely to be lower than the no. of places required to comply with the Childcare Guidelines, as the CSO's Quarterly National Household Survey (QNHS) on childcare take-up illustrates that the majority of pre-school children in Dublin are cared for by their parents or partners of their parents. It is submitted that the proposed crèche could accommodate 29 children within the 0-6 years age cohort, which will meet the estimated demand.

I note that observer submissions state that childcare facilities in the area are under strain and that the full complement of 40 places should be provided, taking demand generated by all of the two bed units within the development into account. However, I consider that, given the limited size of the development and with regard to the unit

mix, it is unlikely to generate a substantial demand for childcare places. The proposed quantum of childcare is considered acceptable on this basis. I also consider that the proposed quantum of childcare does not contravene the requirements of development plan section 7.1.3.6, which refers to the Childcare Guidelines, but also states that the provision of childcare facilities within new residential areas shall have regard to the geographical distribution and capacity of established childcare facilities in the locale and the emerging demographic profile of the area.

11.10.3. Land Ownership Issue

Third party submissions comment that the applicant has not satisfactorily demonstrated consent for a strip of land to the north of the development site, and that the subject application is therefore invalid, also that the letter of Consent submitted by the Marianists of Ireland is null and void as it lacks clarity, fails to describe the area and does not accurately define the subject lands. I note in this regard that the granting of planning permission does not entitle the applicant to carry out works, if the consent of third parties is required, as per section 10(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended), and that arbitration on land ownership matters is outside the scope of this assessment.

11.11. **Material Contravention**

11.11.1. The Material Contravention Statement

The applicant's Material Contravention Statement refers to three separate grounds of material contravention comprising (i) open space and the INST objective; (ii) residential density and (iii) building height. The applicant's Statement concludes that it could reasonably be interpreted that (i) the development does not materially contravene the development plan in respect of the quantum of open space provided; (ii) the development does not materially contravene Policy RES5 regarding residential density and (iii) the development does not materially contravene the development plan in respect of building height. The applicant has submitted the Material Contravention Statement as a 'precautionary approach', in order to enable the Board to invoke the provisions of section 37(2)(b) should it take a different view on these matters.

I note third party comments that the applicant's Material Contravention Statement does not comply with the requirements of section 8 (1)(a) (iv) (II) of the 2016 Act, as it actually concludes that there is not material contravention. It is submitted that there is no provision for the 'precautionary approach' adopted by the applicant. Section 8 (1)(a)(iv)(II) states:

(II) where the proposed development materially contravenes the said plan other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000,

I consider that the applicant's Material Contravention Statement meets this requirement given that, while it considers that aspects of the development do not materially contravene the development plan, it provides for the eventuality that the Board may consider otherwise and therefore clearly sets out the relevant matters.

11.11.2. DLRCC Chief Executive Report

The CE Report submitted by Dun Laoghaire Rathdown County Council, and the refusal reasons recommended therein, state the following:

- The development is considered to be contrary to Policy UD1 and Appendix 9 (Building Height Strategy) of the development plan by reason of its overall scale, height, massing, built form and the monolithic form of apartment blocks.
- The development would be contrary to the 'A' land use zoning objective in that it would seriously injure the residential amenities of the area and would depreciate the value of adjacent properties.
- The proportion of one bed units proposed would contravene the provisions of development plan section 8.2.3.3 (iii).
- The quality of open space provided would contravene the provisions of development plan section 8.2.8.2.
- The development would be contrary to development plan section 2.1.3.5 'Institutional Lands' whereby the retention of the open character of the lands to which the institutional objective applies would not be achieved. The development would result in a substandard level of residential amenity and would be contrary to the development plan.

I note that the CE Report and the recommended refusal reasons do not explicitly state that the development materially contravenes the development plan in relation to the above matters.

11.11.3. Third Party Comments on Material Contravention

Third party comments as summarised in section 6 above also raise the following additional points in relation to potential material contraventions of the development plan:

- The quantum of dual aspect units contravenes development plan section 8.2.3.3 (ii).
- The development does not comply with the 22 m minimum separation distance required by development plan section 8.2.3.3 (iv) and materially contravenes this aspect of the development plan.
- The development materially contravenes the requirements of development plan section 7.1.3.6 regarding childcare.

11.11.4. Material Contravention Analysis

Having regard to the above assessment, to my site inspection, to the submissions of third parties, prescribed bodies, and the planning authority and to the documentation on file, I have reached the following conclusions in relation to potential material contraventions of the development plan.

Land Use Zoning Objective A:

Having regard to the provisions of section 9(6)(c) of the Housing and Residential Tenancies Act 2016, the Board may only invoke the provisions of section 37(2)(b) where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land. The planning authority states under refusal reason no. 2 that the proposed development would materially contravene the zoning objective A “to protect and or improve residential amenity”. As discussed above, I consider that the development would have an overbearing impact on adjacent residential properties at Wyattville Park and would seriously injure the amenities of residential properties at this location. I therefore consider that the development would materially contravene the ‘A’ zoning objective.

Policy UD1:

As discussed above in relation to impacts on visual and residential amenities, I consider that the development would materially contravene development plan Policy UD1. Policy UD1 has not been addressed in the applicant's Material Contravention Statement or mentioned in site notices and the subject application therefore does not meet the requirements of section 8(1)(a)(iv)(I) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The Board therefore cannot invoke section 37(2)(b) of the Planning and Development Act 2000 (as amended) in this instance and is precluded from granting permission.

Open Space Provision and the INST Objective:

I consider that the development meets the requirements of the development plan INST objective and related Policy RES5 in relation to the quantitative provision of open space and to the requirement to retain the open character of the lands. Having regard to the submitted landscaping proposals I also consider that the development meets the requirements of development plan section 8.2.8.3. I therefore do not consider that the development materially contravenes the development plan in this regard. However, the issue has been raised in the applicant's Material Contravention Statement and the Board therefore can invoke the provisions of section 37(2)(b) in relation to the matter.

Residential Density:

Having regard to the detailed provisions of Policy RES3, Policy RES5 and development plan section 8.2.3.2 (ii), I do not consider that the development materially contravenes the development plan in relation to residential density. However, the issue has been raised in the applicant's Material Contravention Statement and the Board therefore can invoke the provisions of section 37(2)(b) in relation to the matter.

Dual Aspect Units:

It is considered that the development does not materially contravene the requirements of development plan section 8.2.3.3 (ii) in relation to dual aspect units. This issue has not been raised in the Material Contravention Statement and the

Board is therefore not in a position to invoke the provisions of section 37(2)(b) in relation to the matter.

Housing Mix:

Having regard to the detailed provisions of Policy RES7 and development plan section 8.2.3.3 (iii), I do not consider that the development materially contravenes the development plan in relation to housing mix. This issue has not been raised in the Material Contravention Statement and the Board is therefore not in a position to invoke the provisions of section 37(2)(b) in relation to the matter.

Separation Distances:

I consider that development plan section 8.2.3.3 (iv) allows for some flexibility in the interpretation of the 22 m standard and I consider that the proposed development does not materially contravene the development plan in this regard. This issue has not been raised in the Material Contravention Statement and the Board is therefore not in a position to invoke the provisions of section 37(2)(b) in relation to the matter.

Childcare:

The proposed quantum of childcare is not considered to materially contravene the requirements of development plan section 7.1.3.6. This issue has not been raised in the Material Contravention Statement and the Board is therefore not in a position to invoke the provisions of section 37(2)(b) in relation to the matter.

Building Height Strategy and Policy UD6:

I consider that the proposed building height does materially contravene the Building Height Strategy set out in Appendix 9 of the development plan and related Policy UD6. This matter is addressed in the applicant's Material Contravention Statement and it is therefore open to the Board to invoke the provisions of section 37(2)(b) in relation to this matter.

11.11.5. Section 37(2)(b) Analysis

I shall now address the issue of material contravention with regard to the relevant legal provisions. As discussed above, I consider that the development materially contravenes the 'A' zoning objective, however, I shall address the provisions of section 37(2)(b) here for the sake of completeness. The Material Contravention Statement refers to three separate grounds of material contravention comprising (i)

open space and the INST objective; (ii) residential density and (iii) building height. I consider that the development only materially contravenes the development plan in relation to the matter of building height and, as discussed above, I consider that it would materially contravene national planning policy on building height as set out in the Building Height Guidelines and should therefore be refused permission on this basis. I therefore do not address the matter of building height further here. However, I do propose to address the matters of open space and the INST objective and residential density, as raised in the applicant's Material Contravention Statement, in the interests of completeness and in case the Board wishes to invoke section 37(2)(b) in relation to these matters.

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government's policy to increase the delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness. The proposed development is therefore considered to be strategic in nature.

In relation to section 37(2)(b)(iii):

In relation to residential densities, open space and the INST objective, regard is had to the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009, the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031, Project Ireland 2040 National Planning Framework and in particular National Policy Objective 35, and the provisions of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in December 2020, which promote increased densities on such sites.

The provisions of section 9(3) of the SHD Act are also noted in this regard, i.e., that where SPPRs of section 28 guidelines differ from the provisions of a development

plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.

In relation to section 37(2)(b)(iv):

In relation to residential density and the INST objective, I note several recent approvals for Strategic Housing Developments on lands with the INST objective in Dun Laoghaire Rathdown:

- ABP-309807-21 Lands consisting of Kylemore, Rockwinds, Smallacre and Woodlawn off Church Road, No. 43 Watson Road and No. 66 Watson Drive, Killiney, Co. Dublin. Permission granted on 25th March 2021 for 255 no. residential units (7 no. houses, 248 apartments) and a childcare facility at a 2.5 ha site with a stated density of 152 units/ ha on the northern portion of the site and 65 units/ha on the southern portion.
- ABP-310138-21 Mount Saint Mary's and Saint Joseph's, Dundrum Road, Dundrum, Dublin 14. Permission granted on 28th May 2021 for 231 no. apartments and a childcare facility at a 1.6ha site with a stated density of 144 units/ha.
- ABP-309430-21 Our Lady's Grove, Goatstown, Dublin 14. Permission granted on 3rd June 2021 for 698 no. student bedspaces on a 2.12 ha site.

I consider that these developments provide precedents for permissions for higher densities on INST lands since the making of the development plan.

11.12. Chief Executive Report

11.12.1. My conclusions on the matters raised in the three refusal reasons recommended in the DLRCC Chief Executive Report are summarised here in the interests of clarity.

1. *The proposed development, by reason of its overall scale, height, massing, built form and the monolithic form of apartment blocks to Wyattville Park in particular, fails to have regard to its surrounding context and will have a detrimental impact on the character of the surrounding area. The proposed development is considered to be contrary to Policy UD1 and Appendix 9 (Building Height*

Strategy) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Urban Development and Building Heights Guidelines for Planning Authorities (2018). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Potential impacts on visual and residential amenities are considered in section 11.5 above, which concludes that the development would have an overbearing impact on residential properties at Wyattville Park and fails to integrate successfully with the public realm at Wyattville Park and St. Laurence College and therefore contravenes development plan Policy UD1 and does not adequately satisfy several of the 12 criteria set out in the Urban Design Manual that accompanies the Sustainable Residential Development Guidelines. Section 11.6 above separately concludes that the development does not satisfy the criteria set out in section 3.2 of the Building Height Guidelines as it does not achieve a satisfactory response to adjacent residential properties or integrate successfully with the public realm and therefore does not provide the optimal design solution for the site, having regard to the site's locational context and would, therefore, be contrary to the Urban Development and Building Heights Guidelines for Planning Authorities.

2. The application site is located on lands to which the 'A' land use zoning objective 'to protect and/or improve residential amenity' in the Dun Laoghaire Rathdown County Development Plan 2016-2022 applies. The proposed development, by reason of its overall scale, massing, built form and its proximity to adjoining site boundaries, would adversely impact on the amenities of existing adjacent properties by way of overlooking, and would be visually overbearing when viewed from existing adjacent properties. The proposed development would be contrary to the 'A' land use zoning objective of the subject site, in that it would be seriously injurious to the residential amenities of the area and would depreciate the value of existing adjacent properties. The proposed development would be visually obtrusive and would seriously injure the amenities of the area. The proposed development would thereby be contrary to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, and to the proper planning and sustainable development of the area.

Section 11.5 above concludes that the development would have a serious adverse impact on residential amenities due to its overbearing impact on adjacent properties at Wyattville Park. I therefore concur with the planning authority that the development would contravene the 'A' zoning objective.

3. The proposed development, by reason of its overall scale, massing, layout and unit mix, would represent an excessive density and would constitute overdevelopment of this site. The proportion of one-bedroom units proposed would contravene the provisions of Section 8.2.3.3 (iii) – Mix of Units of the Dun Laoghaire Rathdown County Development Plan 2016-2022. The quality of open space provided would contravene the provisions of Section 8.2.8.3 – Public / Communal Open Space – Quality as the space being provided consists of narrow linear strips that are generally not useable in any meaningful way and therefore are considered incidental open space. Furthermore, the proposed development would be contrary to Section 2.1.3.5 'Institutional Lands' of the Dun Laoghaire Rathdown County Development Plan 2016-2022, whereby the retention of the open character of the lands to which the institutional objective applies would not be achieved. The proposed development would, if permitted, result in a substandard level of residential amenity for future occupants of the proposed residential scheme, and would be contrary to the Dun Laoghaire Rathdown County Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

Section 11.2 above considers the principle and density of development with regard to the INST objective. Section 11.3 considers housing mix and section 11.4 considers the design and layout of development. These conclude the following:

- The development provides adequate public and private open space in terms of quantity and quality.
- The proposed quanta of open space at the development site and at the overall school grounds are in accordance with the INST objective.
- The proposed design and layout will retain the open character of the school lands in accordance with the INST objective.

- The proposed residential density is acceptable in principle with regard to the INST objective and related Policies RES3 and RES5 and with regard to national and regional planning policy.
- The proposed housing mix would not contravene development plan section 8.2.3.3 (iii) and would be in accordance with Policy RES7 as well as national planning policy.
- The proposed development would result in a satisfactory standard of accommodation for future residents of the scheme and meets the standards for BTR development set out in the Apartment Guidelines.

11.13. Planning Conclusion

11.13.1. The proposed Build to Rent accommodation is acceptable in principle at this site with regard to the relevant 'A' zoning objective under the Dun Laoghaire Rathdown County Development Plan 2016-2022 and to the central and accessible location of the site adjacent to a Quality Bus Corridor and in an established residential area with a wide range of social infrastructure and public amenities. An appropriate development on this site has the potential to contribute to the provision of high-quality housing within the area, at a density and scale that would achieve the optimum use of the zoned and serviced lands adjoining a public transport corridor, in accordance with national planning policy. However, I have serious reservations in relation to the proposed development in terms of quality of the layout and design and integration with the public realm and I do not consider that it achieves the optimum design solution for the development site. The layout and design are considered to be of poor quality and if permitted would not meet the standard of provision required under the various section 28 guidelines including the Urban Design Manual – A Best Practice Guide 2009 and the 12 criteria therein, in particular criteria nos. 4 Variety, 6 Distinctiveness, 7 Layout and 8 Public Realm. I also consider that the development will have a significant adverse impact on the visual and residential amenities of the area due to its design and layout and to its relationship with the public realm, in particular at Wyattville Park, and to its overbearing impact on adjacent residential properties in Wyattville Park. I therefore consider that the development would materially contravene the 'A' zoning objective due to its serious adverse impacts on visual and residential amenities, would contravene development plan policy UD1 and

would be contrary to the aforementioned Ministerial Guidelines. I also consider that the development does not satisfy the criteria set out in section 3.2 of the Building Height Guidelines as it does not achieve a satisfactory response to adjacent residential properties or integrate successfully with the public realm at Wyattville Park and St. Laurence College. The proposed development would, therefore be contrary to the provisions of the “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, would be contrary to the Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018, and would be, therefore, be contrary to the proper planning and sustainable development of the area.

11.13.2. I note the recommendation of the planning authority that, if the Board decides to grant permission, a condition should be imposed omitting the top two floors of all blocks. I do not consider it appropriate to address these issues by condition. The approach suggested by the planning authority could result in an unbalanced development, where due consideration has not been given to the overall design and proportions of the blocks. I therefore do not recommend such as condition as a way of addressing the above issues. I consider that the concerns raised above are complex, interrelated, and fundamental in nature and cannot easily be addressed by way of amendments such as may be required by condition.

11.13.3. I therefore recommend that the Board **refuse permission** in this instance.

12.0 EIA Screening

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

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

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

12.2. The proposed development involves 256 no. residential units on a site with a stated area of c. 3 ha and is therefore well below both of the above thresholds. The site is located within a built-up area and not a business district. Therefore, in order to determine whether the proposed development requires EIA, the criteria set out in schedule 7 of the regulations, and those at Annex III of the EIA directive 2011/92/EU as amended by 2014/52/EU, should be applied with regard to the characteristics and location of the proposed development, and with regard to the type and characteristics of its potential impact.

12.3. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The application was accompanied by an EIA screening report that includes the information set out in schedule 7A to the regulations.

12.4. Section 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Planning Report and Statement of Consistency
- Statement of Material Contravention
- Alternative Uses Justification Statement
- EIA Screening Report
- Childcare and School Demand Assessment

- Architect's Design Statement
- Building Lifecycle Report
- Photomontages
- Engineering Drawings
- Infrastructure Report
- DMURS Compliance Statement
- Traffic Impact Assessment
- Outline Car Park Management Strategy
- Parking and Mobility Plan
- Residential Travel
- Outline Construction Management Plan
- Outline Construction Traffic
- Outline Construction & Demolition Waste Management Plan
- Quality Audit
- Stage 1 Surface Water Audit
- Landscape Drawings
- Public Realm Strategy
- Landscape & Visual Impact Assessment
- Daylight Reception Analysis
- Effects on Daylight Reception Analysis
- Sunlight Reception Analysis
- Energy/Part L Compliance Statement
- External Noise Impact Analysis
- Air Quality Impact Assessment
- External (Public) Lighting Analysis

- Pitch Lighting Analysis
- Microclimate Impact Analysis
- AA Screening
- EclA
- Property Management Strategy Report
- St Laurence College Masterplan 2021

12.5. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered.

12.6. Noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account I would note that the following assessments / reports have been submitted:

- An Energy Statement (Part L Report) has been submitted with the application, which has been undertaken pursuant to the EU Energy Performance of Buildings Directive and requirement for Near Zero Energy Buildings
- An AA Screening Statement has been submitted with the application, in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC)
- A Construction & Demolition Waste Management Plan,
- A Stage 1 Flood Risk Assessment, has been submitted, which ensures effective management of flood risk, and which has had regard to 'The Planning System

and Flood Risk Management Guidelines for Planning Authorities' (DoEHLG & OPW, 2009), and was undertaken in response to the EU Floods Directive.

I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening. I also note the SEA has been undertaken of the Dun Laoghaire Rathdown County Development Plan 2016-2022

12.6.1. I have completed an EIA Screening Assessment as set out in Appendix 1 of this report. Thus, having regard to:

- (a) the nature and scale of the proposed development, which is below the thresholds in respect of Class 10 (b) and Class 13 of Schedule 2, Part 5 of the Planning and Development Regulations, 2001 (as amended);
- (b) the location of the site on land zoned under Objective A 'to protect and/or improve residential amenity' under the Dun Laoghaire Rathdown County Development Plan 2016-2022;
- (c) the pattern of development on the lands in the surrounding area;
- (d) the availability of mains water and wastewater services to serve the development;
- (e) the location of the development outside any sensitive location specified in Article 299(c)(1)(v) of the Planning and Development Regulations, 2001 (as amended);
- (f) the guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development" issued by the Department of the Environment, Heritage and Local Government (2003);
- (g) the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended),

I am satisfied that the proposed development, by reason of the nature, scale and location of the subject site, would not be likely to have significant effects on the environment and the preparation and submission of an Environmental Impact Assessment Report would not therefore be required.

13.0 Appropriate Assessment

13.1. AA Introduction

13.1.1. This assessment is based on the submitted AA Screening Report, prepared by Altamar Environmental Consultancy, dated 30th June 2021. I have had regard to the contents of same. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained is considered sufficient to allow me to undertake an Appropriate Assessment of the proposed development.

13.2. The Project and Its Characteristics

13.2.1. See the detailed description of the proposed development in section 3.0 above.

13.3. The Development Site and Receiving Environment

13.3.1. See site description in section 2.0 above and summary of EclA in section 11.9 above. There are no designated sites within or immediately adjacent to the development. No Annex I habitats for which European Sites within 15 km have been designated were recorded within the development site or in the immediate vicinity.

13.4. Stage I Appropriate Assessment

13.4.1. In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the development site to the European Sites, and any potential pathways which may exist from the development site to a European Site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie).

13.4.2. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). There are no designated sites within or immediately adjacent to the development. The applicant's Stage I screening assessment identifies the following designated sites within 15 km of the development:

| European Site (code) | Distance to Development | Qualifying Interests/ Conservation Objectives |
|--------------------------------|-------------------------|--|
| SAC | | |
| Glenasmole Valley SAC (001209) | 14.2 km | <p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats:</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> |
| Wicklow Mountains SAC (002122) | 7.8 km | <p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:</p> <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p> <p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> |

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| | | <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p> |
| <p>South Dublin Bay SAC (000210)</p> | 5 km | <p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p> |
| <p>Knocksink Wood SAC (000725)</p> | 5.9 km | <p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats:</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> |
| <p>Ballyman Glen SAC (000713)</p> | 4.9 km | <p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats:</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> |
| <p>North Dublin Bay SAC (000206)</p> | 10.4 km | <p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> |

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| | | <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p> |
| Rockabill to Dalkey Island SAC (0003000) | 3 km | <p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:</p> <p>Reefs [1170]</p> <p><i>Phocoena phocoena</i> (Harbour Porpoise) [1351]</p> |
| Bray Head SAC (000714) | 6.6 km | <p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats:</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p> |
| Glen of the Downs SAC (000719) | 11.7 km | <p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitat, as defined by specific attributes and targets:</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> |
| Howth Head SAC (000202) | 13 km | <p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p> |
| SPA | | |

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| <p>Wicklow Mountains SPA (004040)</p> | <p>7.9 km</p> | <p>The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA:</p> <p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p> |
| <p>South Dublin Bay and River Tolka Estuary SPA (004024)</p> | <p>4.9 km</p> | <p>The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p> |
| <p>North Bull Island SPA (004006)</p> | <p>10.4 km</p> | <p>The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> |

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|-------------------------------|---------|--|
| | | <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p> |
| Dalkey Islands SPA (004172) | 3.8 km | <p>The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA:</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> |
| Howth Head Coast SPA (004113) | 13.3 km | <p>The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA:</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> |

13.4.40. I do not consider that any other European Sites fall within the zone of influence of the project, having regard to the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

13.4.41. I consider that there is no possibility of significant effects on the following designated sites within 15 km, with regard to their conservation objectives, due to intervening distances, to the nature of the intervening land uses and to the absence

of a hydrological or any other linkage between the development and the European Site, and/or due to the presence of a substantial marine water buffer between the surface water discharge point and/or the Shanganagh WWTP outfall pipe and the European site and potential for pollution to be dissipated in the drainage network: I have therefore excluded them from the remainder of this AA screening.

- Ballyman Glen SAC (000713)
- Knocksink Wood SAC (000725)
- Wicklow Mountains SAC (002122)
- Glen of the Downs SAC (000719)
- Gleanasmole Valley SAC (001209)
- Wicklow Mountains SPA (004040)
- North Bull Island SPA (004006)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- Howth Head SAC (000202)

13.5. Potential Effects on Designated Sites

13.5.1. Having regard to the potential zone of influence and the submitted AA document, the following Natura 2000 sites are identified as lying within the potential zone of influence of the development due to potential indirect hydrological connections between the development and the European Sites in Dublin Bay via the surface water sewer network and the foul sewer network:

- Rockabill to Dalkey Island SAC (003000)
- South Dublin Bay SAC (000210)
- Bray Head SAC (000714)
- North Dublin Bay SAC (000206)
- Dalkey Islands SPA (004172)

There is an indirect pathway from the development to the above designated sites via the public surface water network to the Carrickmines Stream and the foul water networks to Shanganagh WWTP. The intervening land in each case is occupied by

artificial/highly modified habitats. No significant effects will occur to the SACs or SPAs from surface water leaving the site during operation, and as a result of the distance and temporary nature of works, no significant effects to the SACs or SPAs will occur during construction. Pollution sources will be controlled through the use of best practice site management. Their implementation would be necessary for a housing development on any site in order to protect the surrounding environs regardless of proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. These practices are not designed or intended specifically to mitigate any putative potential effect on a Natura 2000 site. During the occupation stage, there is a hydrological pathway through the foul sewers from the site to Dublin Bay via the Shanganagh WWTP. The indirect pathway of surface or foul water to Shanganagh will not result in a significant effect on the Natura 2000 site. The increased loading will be relatively small compared to overall capacity and therefore the impact of this project is considered to not be significant.

13.5.2. This site is an open grassland area close to the following SPAs where the Light-bellied Brent Goose is a qualifying interest:

- South Dublin Bay and River Tolka Estuary SPA (004024)
- North Bull Island SPA (004006)

During high tide when *Zostera* sp. (and *Ulva intestinalis*) is not available to feed on due to the presence of overlying water, Brent geese move inland to feed in large greenfield sites. Weekly site visits were carried out at the development site between 7th September 2019 to March 2020 and January to March 2021 including site visits during high tide. Surveys were carried out on Saturdays as activity on the school grounds is lower than on weekdays and there would be a greater chance that birds would forage on site. Brent geese were not observed on site during any site visits. The site is not recorded as ex-situ inland feeding site for Brent Geese in Dublin based on 2012-2017 surveys carried out by Scott Cawley in the Dublin Region. The development would not have any effects on the other species of conservation interest or wetland habitats that may be found at these SPAs. No other potential effects are foreseen. There is no direct pathway from the development site to the SPAs.

13.5.3. I am therefore satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them, in view of their qualifying interests and conservation objectives.

13.6. In Combination Effects

13.6.1. The development is not associated with any loss of semi-natural habitat or pollution which could act in a cumulative manner to result in significant negative effects to any SAC or SPA. There are no projects which can act in combination with the development which can give rise to significant effect to Natura areas within the zone of influence.

13.7. AA Screening Conclusion

- 13.7.1. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations outlined above, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.
- 13.7.2. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

14.0 Recommendation

14.1.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development
- (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision
- (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or

(d) refuse to grant permission for the proposed development, and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

Having regard to the documentation on file, the submissions and observations, the site inspection, and the assessment above, I recommend that that section 9(4)(d) of the Act of 2016 be applied and that permission for the above described development be **REFUSED** for the reasons and considerations set out below.

15.0 Recommended Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Dun 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 20th July 2021 by KPMG Future Analytics on behalf of Green Urban Living N11 Limited.

Proposed Development:

Permission for a strategic housing development at lands associated with St. Laurence College, Wyattville Park, Loughlinstown, Co. Dublin.

The development will consist of:

1. Demolition of existing AstroTurf and hardcourt area;
2. Construction of 256 no. Build to Rent apartments (105 number one-bed units, 145 number two-bed units and six number three-bed units) arranged in four number apartment blocks ranging in height from one to eight storeys, with a cumulative gross floor area of circa 24,195 square metres comprising:
 - Block A (one to five storeys over lower ground floor level) with 59 number apartments comprising 22 number one-bed apartments and 37 number two bed apartments, also a crèche (circa 363 square metres) with associated

outdoor play area (101 square metres) and a café unit (135 square metres) at lower ground floor level.

- Block B (one to seven storeys) with 65 number apartments comprising 39 number one-bed apartments, 23 number two-bed apartments and three number three-bed apartments.
 - Block C (one to six storeys) with 68 number apartments comprising 22 number one-bed apartments and 46 number two-bed apartments.
 - Block D (one to eight storeys) with 64 number apartments comprising 22 number one-bed apartments, 39 number two-bed apartments and three number three-bed apartments.
3. Provision of internal resident support facilities and resident services and amenities, including concierge, lobbies/lounges, communal workspaces, meeting rooms and a resident only gym and changing facility (totalling 946 square metres) located at lower ground and ground floor levels; communal open space in the form of podium courtyards with play facilities (totalling 2,244 square metres); and public open space with play facility (4,378 square metres).
 4. New multimodal entrance to the site from Wyattville Park Road together with a dedicated new entrance to serve St Laurence College. The development will include internal roads and footpaths; a pedestrian/cycle link from the N11 to Wyattville Park which will be accessible by the public and also facilitate access for emergency vehicles; and the partial demolition of the existing wall at Wyattville Park to facilitate access to the site and the temporary removal of part of the existing wall fronting the N11 at the southwestern corner of the site to facilitate temporary construction access via the N11 slip road.
 5. The provision of 200 number car parking spaces including 80 number parking spaces at grade (50 number residential parking spaces including two number disabled parking spaces, ten number visitor parking spaces, nine number café parking spaces including one number accessible parking space, six number crèche staff parking spaces, three number parent and child parking spaces and two number car pool parking spaces); 60 number residential parking spaces (including three number accessible parking spaces and ten number electric vehicle parking spaces) below the podium courtyard between Blocks A and B;

and 60 number residential parking spaces (including three number accessible parking spaces and ten number electric vehicle parking spaces) below the podium courtyard between Blocks C and D; ten number motorcycle parking spaces at grade; and a set down area at grade. 583 number bicycle parking spaces are provided for residents and visitors, including non-number short-stay bicycle parking spaces at grade and 574 number bicycle parking spaces at ground floor level (202 number residential spaces, 71 number visitor spaces, three number café staff spaces and six number crèche staff spaces in two number enclosed spaces in Block B; five number residential spaces below the podium courtyard between Blocks A and B; 202 number residential spaces and 80 number visitor spaces in 2 number enclosed spaces in Block D; and five number residential spaces below the podium courtyard between Blocks C and D).

6. Provision of a new AstroTurf pitch (2,242.4 square metres) and associated floodlighting and 3 metre ball-stop netting over 2.4 metre perimeter fence; a bin store/vehicle shed (106 square metres); and a new vehicular and pedestrian entrance and associated road and footpath off Wyattville Park Road for St. Laurence College.
7. Planning permission is also sought for all ancillary site and development works above and below ground to facilitate the development and associated signage, including ten number stores (totalling 563.4 square metres; two number bin stores (totalling 96 square metres); one number ESB substation (15.1 square metres); one number electric switchroom (7 square metres); one number telecoms room (4.3 square metres); mechanical and electrical installations; one number cold water storage tank and booster set room (75 square metres); public lighting; retaining walls; boundary treatments; hard and soft landscaping; SuDS; green roofs; and water, surface water drainage and foul drainage works; and all associated site strip and excavation above and below ground.

Decision:

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

Matters Considered

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

Reasons and Considerations

1. Having regard to the design and layout of the development and the proposed treatment of the public and communal spaces within the scheme, is considered that the proposed development will have an overbearing impact on adjacent residential properties at Wyattville Park, fails to integrate successfully with the public realm at Wyattville Park and St. Laurence College and does not make a positive contribution to the character and identity of the area. The development would therefore seriously injure the amenities of residential properties at Wyattville Park and is considered to contravene Policy UD1 of the Dun Laoghaire Rathdown County Development Plan 2016-2022, which seeks to ensure that all development is of high quality design that assists in promoting a 'sense of place'. The development would also fail to respond satisfactorily to the provisions of the "Urban Design Manual – a Best Practice Guide" issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, in particular Criteria nos. 1 Context, 6 Distinctiveness, 7 Layout, 8 Public Realm and 12 Detailed Design. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development fails to meet the criteria set out in 3.2 of SPPR3 as set out within Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018, in that at both town and streetscape level, the proposed development fails to successfully integrate into the existing character of the area, given the overbearing relationship with adjacent residential properties at Wyattville Park and the poor quality of public realm at the north eastern end of

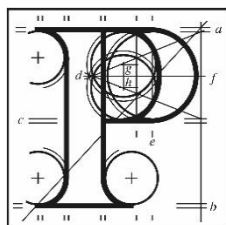
the site, where the development interacts with Wyattville Park and St. Laurence College. The proposed development, therefore, would result in a visually dominant and overbearing form of development when viewed from the public realm and does not provide the optimal design solution for the site. The proposal would, therefore, be contrary to the Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018, and would be, therefore, be contrary to the proper planning and sustainable development of the area

Sarah Moran

Senior Planning Inspector

21st October 2021

ABP-310882-21 Appendix 1: EIA Screening Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

| | | |
|--|-----------------------|--|
| An Bord Pleanála Case Reference | | ABP-310882-21 |
| Development Summary | | Demolition of existing AstroTurf and hardcourt area, construction of 256 no. Build to Rent apartments, creche and associated site works. |
| | Yes / No / N/A | - |
| 1. Has an AA screening report or NIS been submitted? | Yes | An EIA Screening Report and an AA Screening Report were submitted with the application |
| 2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR? | No | |

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| <p>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p> | <p>Yes</p> | <p>SEA undertaken in respect of the Dun Laoghaire Rathdown County Development Plan 2016-2022.</p> <p>Refer to documents listed in section 12.6 of the Inspector's Report.</p> |
|---|-------------------|---|

| <p>B. EXAMINATION</p> | <p>Yes/ No/ Uncertain</p> | <p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p> | <p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p> |
|---|----------------------------------|--|--|
| <p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p> | | | |
| <p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p> | <p>No</p> | <p>The development comprises the construction of residential units on lands zoned 'A ' and is in keeping with the residential development (existing and permitted) in the vicinity.</p> | <p>No</p> |
| <p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p> | <p>Yes</p> | <p>The proposal includes construction of a residential development (apartments) which is not considered to be out of character with the pattern of development in the surrounding area.</p> | <p>No</p> |

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| <p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p> | <p>Yes</p> | <p>Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p> | <p>No</p> |
| <p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p> | <p>Yes</p> | <p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p> | <p>No</p> |
| <p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p> | <p>Yes</p> | <p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p> | <p>No</p> |

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| <p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p> | <p>No</p> | <p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection to any watercourse in the area or to Dublin Bay. The operational development will connect to mains services. Surface water drainage will be separate to foul services.</p> | <p>No</p> |
| <p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p> | <p>Yes</p> | <p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p> | <p>No</p> |
| <p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p> | <p>No</p> | <p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p> | <p>No</p> |

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| 1.9 Will there be any risk of major accidents that could affect human health or the environment? | No | No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location. | No |
| 1.10 Will the project affect the social environment (population, employment) | Yes | Redevelopment of this site as proposed will result in an increase in residential units of 256 no. units. | No |
| 1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment? | No | Standalone development, with developments in the immediately surrounding area permitted or built. | No |
| 2. Location of proposed development | | | |
| 2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan | No | No conservation sites located on the site. The AA Screening report concluded that Stage 2 NIS was not required. This has been addressed in Section 12 of the Inspector's Report. The measures in question are not 'mitigation' measures for the purposes of Appropriate Assessment. I carried out a Stage I AA Screening and concluded no significant adverse impact on any European Sites and a Stage 2 NIS was not required. | No |

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| <p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p> | <p>No</p> | | <p>No</p> |
| <p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p> | <p>No</p> | <p>There are no Architectural Conservation Areas or Protected structures or other features of landscape, historic, archaeological or cultural importance in the vicinity of the site. .</p> | <p>No</p> |
| <p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p> | <p>No</p> | <p>There are no areas in the immediate vicinity which contain important resources.</p> | <p>No</p> |
| <p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p> | <p>No</p> | <p>The site is not adjacent to any watercourse and is not at risk of flooding.</p> | <p>No</p> |
| <p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p> | <p>No</p> | <p>There is no evidence in the submitted documentation that the lands are susceptible to landslides or erosion and the topography of the area is flat.</p> <p>Ground works and works to resolve the existing boundary walls will be subject to best practice.</p> | <p>No</p> |

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| 2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project? | No | The site is served by a local urban road network . | No |
| 2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project? | Yes | The application includes the St. Laurence College Masterplan, which satisfactorily addresses the proposed development in the context of the future development of the school, such that the development will have no adverse impact on the current operation of the school and will allow adequate space on the remaining school grounds to enable the projected expansion of the school population. There are no other existing sensitive land uses or substantial community uses which could be affected by the project. | No |

3. Any other factors that should be considered which could lead to environmental impacts

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| 3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase? | No | No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. | No |
| 3.2 Transboundary Effects: Is the project likely to lead to transboundary effects? | No | No trans boundary considerations arise | No |
| 3.3 Are there any other relevant considerations? | No | | No |

C. CONCLUSION

| | | | |
|--|------------|-------------------|--|
| No real likelihood of significant effects on the environment. | Yes | EIAR Not Required | |
|--|------------|-------------------|--|

Real likelihood of significant effects on the environment.

No

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands zoned to 'A' to protect and improve residential amenity' in the Dun Laoghaire County Development Plan 2016-2022 and the results of the Strategic Environmental Assessment of the plan;
- c) the location and context of the site;
- d) The existing use on the site and pattern of development in surrounding area;
- e) The planning history relating to the site
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- h) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan (CDWMP)

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: _____ **Sarah Moran**

Date: 21st October 2021