



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
311617-21**

Strategic Housing Development	1007 no. BTR apartment units (with associated balconies and terraces) in 3 no. blocks ranging in height from 2 to 22 storeys over one level basement.
Location	TC3, Cherrywood, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Prospective Applicant	RGRE Devco 4 Limited
Date of Consultation Meeting	13.01.2022
Date of Site Inspection	10.12.2021
Inspector	F. Fair

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1.1. The site (4.3 ha) is located at Quadrant TC3 within Cherrywood Town Centre, Dublin 18. The site is located within Development Area 2: Cherrywood of the Cherrywood Planning Scheme, as amended.
- 2.1.2. The site consists of a significant portion of the TC3 block which is bounded by Grand Parade to the east (including Luas Green Line terminus of Bride's Glen) and by Cherrywood Avenue to the south and west. Wyattville Link Road runs to the north of the site. TC3 is one of four Town Centre blocks for the Cherrywood SDZ.
- 2.1.3. The TC3 quadrant is bound to the east by the existing LUAS line and the proposed new Grand Parade, to the north by Wyattville Link Road and to the west and south by Cherrywood Avenue. The TC3 plot and corresponding SHD application site is characterised by considerable levels changes with at its most extreme having a level difference at the surrounding street level of 6m from the south-east to the north-west corner. A portion of the western side of the site, adjacent to the LUAS line, has been partially excavated leading to a sharp drop in level of up to 6m in this area. The existing LUAS line sits on an elevated concrete 'bridge' structure which is approximately 10m above the existing ground level in the north east corner of the site, where it crosses Wyattville Link Road, and slopes down to meet the existing ground level where it intersects with Cherrywood Avenue at the south east corner of the site. The TC3 quadrant is clear of any buildings or structures. The site for the residential portion of TC3 is of approximately rectangular shape and sits at the south-western corner of the quadrant, fronting the existing public roads Cherrywood

Avenue South and West. To its east and north the SHD application site is bound to land, which is reserved for the development of HIE/ Commercial Use, which is subject to separate applications.

- 2.1.4. Construction has commenced and is underway on TC2 and TC4 as part of the permission granted for the three other town centre blocks under Reg. Ref. DZ17A/0860. TC3 comprises of a mixed use block with commercial development (High Intensity Employment – largely office uses) along the northern and eastern perimeters, with primarily residential and community, retail and non-retail identified for the remainder of the block. The application site excludes the HIE provision.

3.0 Proposed Strategic Housing Development

3.1.1. In summary, the proposal relates to the provision of a mixed-use scheme containing:

- Construction of a mixed-use development ranging in height from 1 no. storeys to 22 no storeys from street/podium level over one basement level.
- The overall development comprises, with an overall total, including ancillary spaces of 91,002 sq.m a. 86,602 sq.m residential, b. 792 sq.m. retail c. 1689 sq.m. non-retail, and d. 1501 sq.m. of community uses,
- Provision of 1007 no. Build-To-Rent apartment units (with associated balconies and terraces) in 3 no. blocks ranging in height from 2 to 22 storeys over one
- level basement, comprising of:
 - a. 367 studios,
 - b. 115 no. 1 bedroom units,
 - c. 154 no. 2 bedroom (3 person), and
 - d. 371 no. 2 bedroom (4 person) units,
- The proposed development will also include
 - a. the provision of communal and private open space including courtyard areas, terraces and balconies and roof terraces (9,678 sq.m) and the provision of tenant shared services, facilities and amenity space (2,850 sq.m)
 - b. the provision of public open space including public plaza areas, footpaths, parking, loading bays, landscaping works and boundary treatments;

c. the provision of three vehicular access points to basement level (below podium) from Cherrywood Avenue.

d. Parking at basement level (below podium) for 352 no. residential car parking spaces, 102 no. commercial car parking spaces. 1,208 no. bicycle spaces are proposed at basement and ground/street level (podium level);

e. The proposed development includes, SUDs drainage, the provision of green roofs throughout and all associated site development works and services and plant.

- The proposed residential development is a “Build-to-Rent” scheme in accordance with Specific Planning Policy 7 and 8 as set out in the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2020)”

3.1.2. The following details are noted: **Table 1 - Key Statistics**

Site Area	4.3 ha
No. of units: 1007 no. BTR apartment units (with associated balconies and terraces) in 3 no. blocks ranging in height from 2 to 22 storey’s over one level basement.	<ul style="list-style-type: none"> - 367 studios, - 115 no. 1 bedroom units, - 154 no. 2 bedroom (3 person), and - 371 no. 2 bedroom (4 person) units,
Non – residential Uses	<ul style="list-style-type: none"> - 86,602 sq. m residential - 418 sq. m creche - 792 sq.m. retail - 1689 sq.m. non-retail, and - 1501 sq.m. of community uses
Gross Density	306 units per hectare.
Plot Ratio & Site Coverage	2.76 and 0.41
Communal and private open space including courtyard areas, terraces and balconies and roof terraces	9,678 sq. m

Tenant shared services, facilities and amenity space	2,850 sq. m
Site Coverage	41%
Dual Aspect	58%
Car parking at basement level (below podium)	352 no. residential car parking spaces, 102 no. commercial car parking spaces. (A ratio of 0.35 per residential unit).
Cycle parking	1,208 no. bicycle spaces are proposed at basement and ground/street level (podium level)
Access	Three vehicular access points to basement level (below podium) from Cherrywood Avenue

Material Contravention for:

- Site coverage is 41% (which is below the stated site coverage for the town center of 50-80%).
- Unit Mix - Specific Objective PD4 (no more than 20% 1 beds units and a min of 20% over 80 sq. m). Citing SPPR 7 - unit mix of 37% studio, 11% 1bed and 52% 2bed is approximately replicated through all blocks.
- Scale of density – non-compliant. The proposal exceeds the residential quantum (CPS min 27,000 – Max 33,600)
- Building Height (specific Objective PD21 and PD22) – non-compliant

4.0 National and Local Planning Policy

4.1.1. National

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

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Sustainable Urban Housing: Design Standards for New Apartments' (2020)
- 'Design Manual for Urban Roads and Streets' (2013)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Guidelines for Planning Authorities on Childcare Facilities (2001);
- Smarter Travel – A New Transport Policy for Ireland (2009-2020)
- The Planning System and Flood Risk Management (2009);
- Birds and Habitats Directive – Appropriate Assessment.

4.1.2. Local

The subject site is located within the administrative boundary of Dún Laoghaire Rathdown County Council and is therefore subject to the policies and objectives of the newly adopted Dun Laoghaire Rathdown County Council Development Plan 2022 – 2028.

The site is also located within the plan area for the Cherrywood Planning Scheme (2014) Strategic Development Zone making it subject to the policies and objectives of the Planning Scheme, as amended. It is also subject to Cherrywood Town Centre (TC 1 – 4) Urban Form Development Framework (UFDF) Sept 2017.

Dún Laoghaire-Rathdown County Council published a Planning Scheme for Cherrywood in 2014 which has been the subject of 6 amendments, the most recent being approved by An Bord Pleanála in January 2020.

The site is zoned objective 'Town centre' in the Cherrywood SDZ Planning Scheme. Residential, commercial, retail and non-retail development are all permitted in principle under this zoning objective.

5.0 Planning History

5.1.1. The following is a summary of the planning history on the subject site.

DZ20A/0052 – TC3-1 & TC3-8

Permission was granted on the subject site for an office development (TC3-1) and 192 residential build to rent apartments (TC3-8). The site incorporated the south eastern corner of TC3:

DZ21A/0785 - TC3-1

Standalone Application

At the time of writing, an application for TC3-1 (office building) as a standalone development awaits determination.

The following planning applications in the surrounding area are of relevance to the proposed development.

Reg. Ref.: DZ15A/0758

A planning application was lodged to DLRCC on the 22/06/2016 for roads and infrastructure (phase 1) to form part of the public road access and services for the Cherrywood SDZ, Dublin 18.

DLRCC granted planning permission for the above development on the 16/08/2016.

Reg. Ref.: DZ17A/0862

A planning application was lodged to DLRCC on the 04/04/2018 seeking a 10-year planning permission to the development TC1, TC2 and TC4 in Cherrywood, Dublin 18.

DLRCC granted planning permission for the development on the 29/05/2018.

Reg. Ref.: DZ19A/0148

A planning application was lodged to DLRCC on the 04/03/2019 for the development for amendments to a previously permitted permission under Reg. Ref.: DZ17A/0862. DLRCC granted planning permission for these amendments on the 24/04/2019.

Reg. Ref. D06A/1660

Permission was granted for Cherrywood Avenue, generally in it's current configuration.

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1.1. Section 247 pre-planning consultation in relation to the current scheme took place with the Planning Authority on the 18th December 2019.

7.0 Submissions Received

- 7.1.1. Irish Water (report dated 11th November 2021)

Irish Water has issued a conformation of feasibility to the applicant advising that connection(s) are feasible subject to the following observations:

- The Development is within Cherrywood Strategic Development Zone. At connection application stage, the Developer has to demonstrate that the design is in compliance with Cherrywood Planning Scheme and that all relevant core water and wastewater infrastructures within the Zone have adequate capacity, integrity and connectivity with Irish Water networks (water and wastewater). Note: existing 300 mm ID sewer on the south of the Development is out of capacity and is not suitable for the connection.

Please note, upgrade works at the Vartry Water Treatment Plant were required to facilitate this development. Irish Water recently completed this project as part of our current investment plan. The overall project will improve to the quality, resilience and robustness of the water supply for over 200,000 people in North Wicklow and Dublin as well as helping to safeguard the supply and support the delivery of housing and wider economic and social development for the entire region.

8.0 Forming of Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

9.0 Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form,

- Strategic Housing Development Pre-Application Form,
- Letter of Consent;
- Planning Report with Draft BTR Covenant attached;
- Environmental Report
- SDZ Compliance Matrix and Material Contravention
- Architectural Drawings and Schedule
- Architectural Design Statement
- Part V proposal
- SHD Lifecycle Report
- Irish Water Confirmation of Feasibility
- Verified Views Photomontage and CGIs
- Landscape and Public Realm Design Statement
- Statement of Consistency - TC3 Cherrywood
- Landscape Management and Maintenance Plan
- Landscape Drawings and Schedule

- Preliminary Construction Management Plan
- Road Infrastructure Design Report
- DMURS Statement of Consistency
- Engineering Services Report
- Travel Plan
- Traffic and Transport Assessment
- Site Specific Flood Risk Assessment
- Engineering Drawings
- Appropriate Assessment Screening

I have considered all of the documentation submitted by the prospective applicant, relating to this case.

10.0 **Planning Authority Submission**

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located Dun Laoghaire Rathdown County Council, submitted their opinion in relation to the proposal. This was received by An Bord Pleanála on 8th November 2021.

The planning authority's 'opinion' included the following matters: copies of record of section 247 consultation, zoning and site designations, site description, planning history; opinions from other departments and an assessment of the proposal.

The report is summarised as follows:

- The principle of the proposed development is not consistent with the approved planning scheme and UFDF: building height, scale and plot ratio, physical, social and green infrastructure and environmental considerations/ parameters.
- Negative impact upon planned social and physical infrastructure to serve the CPS and concern raised regarding the precedent it would set.
- The UFDF is the basis for which planning applications for the 'TC' are to be assessed. Proposals that conflict with the key principles and spirit of the

direction of ABP (for the SDZ planning scheme), will not be deemed to be compliant with the UFDF.

- Concerns of daylight and sunlight, quality residential accommodation and amenity, car parking provision, bicycle parking and the provision of social and physical infrastructure.
- Residential quantum uplift of 250% on the site without proposing any additional schools, Class 1 OS, transport Infrastructure, surface water drainage Infrastructure.
- Green Infrastructure impact no associated uplift. Quality of the green infrastructure; OP's , public / civic amenity spaces and communal residential amenity, in terms of micro climate, sunlight / daylight, wind.
- Refer ABP to Spenser Dock Scheme – Scheme quashed no jurisdiction to materially contravene an adopted planning scheme in relation to height.
- The Board do not have jurisdiction to materially contravene the CPS.
- Not in accordance with SPPR3 – There is an application for amendment to CPS - building height but not in TC areas - ABP 310382 decision pending.

11.0 Consultation Meeting

11.1.1. A Section 5 Consultation meeting took place by way of conference call on the 13th January 2021, commencing at 10.00 pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Policy Context - Compliance with Cherrywood SDZ Planning Scheme.
2. Residential Amenity & Quality of Development.
 - Building Height
 - Daylight / Sun Light / Overshadowing
 - Wind
3. Landscape & Visual Impact Assessment - Views
4. Green Infrastructure

5. Transport Infrastructure
6. Issues Raised in the CE Report, Incl. DAPT Report, Housing and Environment.
7. AOB

11.1.2. In relation to 'Policy Context - Compliance with Cherrywood SDZ Planning Scheme' An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- There is a need to further address and justify the 22 storey height proposed in the context of the SDZ Cherrywood Planning Scheme (CPS) and 'TC' zoning objective. The building heights proposed materially contravene specific objective PD21 and PD22 of the CPS which sets out 2 – 5 storeys for the 'TC'.
- There is a need to further consider and justify the scale of density proposed which exceeds the residential quantum set out in the CPS (min 27,000 sq. m – max 33,600 sq. m) and the Urban Form Development Framework (UFDF) plan.
- There is a need to further consider both physical infrastructure and social infrastructure for the uplift in units / population proposed and justify the proposal in terms of the approved planning scheme and UFDF: building height, scale and plot ratio, physical, social and green infrastructure and environmental considerations / parameters.

11.1.3. In relation to residential amenity and quality of development and Landscape and Visual Impact Assessment – Views, Items 2 and 3 on the agenda An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further consideration of Daylight / Sunlight Impact of the development. Detailed analysis of Shadow Impact Assessment of the proposed development (internally and externally) within the scheme. Concerns of overshadowing of communal open spaces, private open space and public open spaces needs to be addressed.

- Further justification that all units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.
- Elaboration and demonstrate clearly in any future application the % of dual aspect units proposed. The onus is on the application to demonstrate compliance with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', March 2018.
- Privacy between opposing windows, private amenity areas within internal courtyards needs to be addressed. Possibility of overlooking or perceived overlooking between the blocks for future residents and screening or design measures proposed to mitigate overlooking is required to be demonstrated.
- Further consideration of the residential quantum uplift of 250% on the site with no additional uplift in educational facilities, Class 1 OS, transport infrastructure and surface water drainage infrastructure.
- Further justification of any deviation from the established typology of form from existing Cherrywood TC development and to that set out in the CPS and UFDF, consideration of views to the coast and projection of the proposal above the marine horizon.
- Greater visual analysis of the development by way of clear CGI's, long-range views and photomontages from the wider area.
- Justification for height and bulk of the blocks given the nature of the surrounding environment.
- A detailed Urban Design Statement and an Architectural Statement, detailing finishes, use of materials and variety in design.

11.1.4. In relation to green infrastructure An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further justification of the proposal in terms of residential quantum and quality of the green infrastructure open space, public / civic amenity spaces and

communal residential amenity, also justification in terms of micro climate, sunlight / daylight and wind assessment.

11.1.5. In relation to transport infrastructure An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further elaboration on how the proposed scheme ties in with the expansion of the overall Cherrywood town centre area. The subject site represents an expansion of the existing Cherrywood development (including permitted development). It is important that the proposed scheme should be highly visually and functionally connected to the town centre development to the north and northeast. There needs to be strong permeability within the scheme and into adjoining lands.
- Further justification of the two number accesses proposed from Cherrywood Avenue South, in terms of safety and risk for pedestrians crossing.
- Consideration and justification of the proposed transport infrastructure in terms of design rational and justification for all proposed deviation from the UFDF and the CPS.
- Further clarification and consultation with the NTA and TII regarding capacity in the public transport system serving the area.
- Further justification and consideration of modal split targets and further consideration and justification of cycle access to the basement.

11.1.6. In relation to issues Raised in the CE Report, Incl. DAPT Report, Housing and Environment, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further discussion on matters raised within the PA Opinion and Appended Dun Laoghaire Rathdown County Council Department reports submitted to ABP on the 08th November 2021.
- Further justification of the scheme regard being had that the SEA and AA which supports the planning scheme is based on a maximum population of 23,722 residents based upon amendment one to the planning scheme.

- Further consideration of capacity of waste water and water supply given the density of development proposed and the Irish Water report submitted, which requires that the developer has to demonstrate that the design is in compliance with Cherrywood Planning Scheme.

11.1.7. With regard to AOB An Bord Pleanála sought further elaboration/discussion/consideration of:

- Consideration that there is limited further information facility available to the Board, only in exceptional circumstances, therefore all information submitted needs to be clear and of a high quality and accurate to ensure that the Board can make an informed decision.
- A full EIAR is required.
- Clarification that all items raised by the PA in their report submitted to the board are addressed, further meetings should be sought to resolve outstanding issues, where possible.

11.1.8. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-311617-21' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

12.0 **Conclusion and Recommendation**

12.1.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I

have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

- 12.1.3. Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act requires **further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 12.1.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

13.0 **Recommended Opinion**

- 13.1.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 13.1.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 13.1.3. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could

result in them constituting a reasonable basis for an application for strategic housing development:

1. Principle of the proposed development. Further consideration / justification of the documents as they relate to the principle of the proposed development which is inconsistent with the approved Cherrywood Planning Scheme (CPS) and UFDF objectives: residential quantum, density, plot ratio, building height, scale, physical infrastructure, social infrastructure and green infrastructure and environmental considerations and parameters. The further consideration / justification should address how the provision of social and physical infrastructure will sustainably support the level of development proposed, interaction and integration with the wider area, creation of a sustainable neighbourhood, regard being had for the future residential population, inter alia, to the architectural treatment, the scale, height, mass, design, materials and finishes, also landscaping, quality public and communal open spaces, public realm, including access, car parking provision and bicycle parking. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
2. Intensity of Development: Further consideration and / or justification of the documents as they relate to the height, scale, massing, plot ratio, tenure mix and tenure type and overall intensity of development given the provisions of the CPS and UFDF.
3. Residential Amenity - Further consideration/justification of the documents as they relate to the quality of the proposed residential amenity. This consideration should have regard to, inter alia, the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' in particular with regard to number of single aspect and north facing units, and daylight and sunlight access to internal habitable areas and in particular to communal courtyards. Shadow Impact Assessment of communal open spaces, private open space and public open spaces. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating, inter alia, to layout of

the proposed development, improving the quality and providing extended hours of daylight and sunlight to the internal courtyards and to the public open space.

13.1.4. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with the zoning objectives of the Cherrywood SDZ Planning Scheme and the primary land use matrix, in light of the concerns raised in the Planning Authority's opinion.
2. A visual impact assessment of the proposed development that addresses, inter alia, the height, scale and massing of the proposal in the context of the nature of the receiving environment. Long range views / photomontages of the proposed development from the surrounding area.
3. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where the proposed development materially contravenes the Development Plan and CPS 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.
4. An assessment on how the proposed scheme ties in with the expansion of the overall Cherrywood SDZ. The subject site represents an expansion of the existing Cherrywood 'TC' development (including permitted development). It is important that the proposed scheme should be highly visually and functionally

connected to the town centre development to the north and north east. There needs to be strong permeability within the scheme and into adjoining lands.

5. Further consideration of the traffic and transportation infrastructure upgrades required, proposed entrances, pedestrian crossings at Cherrywood Avenue South and west, car parking and bicycle parking.
6. A report that addresses issues of residential amenity, specifically with regards to potential overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and any adjacent existing or permitted development.
7. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
8. A full response to matters raised within the PA Opinion and addendum reports submitted to ABP on the 08.11.2021.
9. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
10. As per SPPR7 of the Sustainable Urban housing: Design Standards for New Apartments Guidelines for Planning Authorities, March 2020 the development must be described in the public notices associated with a planning application specifically as 'Build to Rent' housing development and a covenant/legal agreement is required at application stage for BTR development.

11. A rationale or evidence based justification that the proposed resident support facilities and resident services and amenities are appropriate and accord with SPPR7 (b) of the Apartment Guidelines 2020.

12. A Microclimate Impact Assessment.

13. A detailed noise plan.

14. An up to date Ecological Impact Assessment, inclusive of a Bird and Bat Survey.

15. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

16. Site Specific Construction and Demolition Waste Management Plan.

13.1.5. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water (IW)
2. Irish Aviation Authority (IAA)
3. Department of Defence
4. Dun Laoghaire Rathdown County Council Childcare Committee.
5. Transport Infrastructure Ireland (TII)
6. National Transport Authority (NTA)

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Fiona Fair

Senior Planning Inspector

16. 03. 2021