



An
Bord
Pleanála

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

Inspector's Report ABP-312321-21

Strategic Housing Development

147 no. Build to Rent apartments,
creche and associated site works.

Location

Junction of Sallynoggin Road Lower
and Glenageary Avenue, Glenageary,
Co. Dublin.
(www.glenagearygateshd.com)

Planning Authority

Dun Laoghaire Rathdown County
Council

Applicant

Red Rock Glenageary Limited

Prescribed Bodies

None on File

Observer(s)

Andrew and Carole Curtin
Andrew and Fay Spelman

Andrew Murphy
Ann Hannigan
Ann Tynan and Dermot Nolan
Anna & David O'Sullivan
Anna and Neils O'Flanagan
Arnaldo Macari and Abril Macari
Bellevue, Glenageary and
Rochestown Residents Association
Brenda McSweeney and Others
Cathie Doherty
Catriona Tully
Ciaran Horgan
Clive Scott
Colin Byrnes
Core Credit Union Limited (REPP)
Cormac Keane
David Sharpe and Denise O'Toole
Declan Flynn
Declan Lyons
Deirdre Lightburn
Denis O'Callaghan
Dermot Caffrey
Eamonn Usher
Edward Brophy
Fiona McAteer
Fiona Ryan and Andrew Quirke
Frank & Teresa Mulrennan
Frank O'Neill
Frank Sexton

Greythorn Park Residents Association

Cllr Hugh Lewis

Ian and Nichola Doyle

Jean Scott

Jenny Neiland

Jerry Flynn and Christina Campbell

Joe Fleming

John Borza

John Conway and The Louth

Environmental Group

Joyce Duffy

Julie Tormey and Others

Karen MacLaughlin

Linden Lee

Lisa Gallagher

Lisa Smith

Liz McGovern

Louise O'Hanrahan

Maeve O'Brien

Maria Macari

Marilyn Nyquist

Marion Goff

Maura Collearey

Michael and Mary Burns

Michael Jackson

Michael Nolan (Dun Laoghaire Sinn
Fein)

Michael Rowe

Michele Macari and Christina Magana

Moira O'Malley
Naomi Byrne and Rib Millard
Niall and Jacqueline Trehy
Niamh Morris
Niav Miller
Nichola O'Connell
Nichola Coleman
Owen Reilly and Others
Patricia O'Kelly
Richard Boyd Barrett T.D. and Cllr
Melissa Halpin
Rosa Vitti
Ruairi Carroll
Safann MacCarthy
Shane Bonner
Sharon and Patrick O'Farrell and
Others
Sheila Hanley
Shona McGonigle
Simon Rooney
Sonya Gildea
Susan O'Neill
Susan Sheridan
Tanya Scully and Niall Farren
Thomas Lyons
Tina Connell
Ulric Kenny
Yue Zhang

Date of Site Inspection

31st March 2022

Inspector

Sarah Moran

Contents

1.0 Introduction	7
2.0 Site Location and Description	7
3.0 Proposed Strategic Housing Development	8
4.0 Planning History.....	10
5.0 Section 5 Pre Application Consultation	11
6.0 Relevant Planning Policy	16
7.0 Third Party Submissions	26
8.0 Planning Authority Submission	36
9.0 Prescribed Bodies.....	46
10.0 Oral Hearing Request	47
11.0 Assessment.....	48
12.0 EIA Screening	111
13.0 Appropriate Assessment	115
14.0 Recommendation	124
15.0 Recommended Board Order	125

Appendix I: EIA Screening

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

- 2.1.1. The site (stated area c. 0.6 ha) is located on the southern side of the Glenageary Roundabout, where the R829 (Glenageary Road Upper), R118 (Glenageary Avenue), and the Sallynoggin Road converge. Glenageary DART station is c.1.3 km from the site. The immediate surroundings of the site are a mix of commercial/ light industrial/ employment and residential land uses, including several district level retail warehousing outlets such as Woodies and Power City in Sallynoggin to the southwest. In terms of residential development, the area is generally characterised by single and two storey houses. There is an existing neighbourhood centre on the eastern side of the Glenageary Roundabout and the St. John of God community services facility on the northern side of the roundabout. The site itself is currently undeveloped lands, which were formerly occupied by the Deerhunter public house, demolished some years age. The site is open and accessible to the public and there are no trees or substantial vegetation present. It includes an area of hardstanding that currently appears to be in use as an overflow car park for the adjacent Lidl supermarket. The immediate surroundings of the site are as follows:

- Frontage to Sallynoggin Road to the west with single storey terraced cottages on the opposite site of the road.
- Lidl supermarket and associated service facilities and car park to the southwest
- An Post Glenageary sorting office to the south, accessed from Glenageary Avenue.
- Frontage to Glenageary Avenue to the east and north with a small area of open space between the site frontage, Glenageary Avenue and the Glenageary Roundabout.

- 2.2. Part of the site is owned by Dun Laoghaire Rathdown County Council (DLRCC) and an area is also owned by Lidl Ireland GMBH. Letters of Consent are enclosed.

3.0 Proposed Strategic Housing Development

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

Site Area	0.6241 ha
Residential Units	147 no. BTR units
Total Gross Resi Floorspace	9,851 sq.m.
Building Height	5-9 storeys over basement
Residential Density	255 units/ha
Site Coverage	39.17%
Plot Ratio	2.34
Aspect (apartments)	102 no. dual aspect units, 69.3% of total
Public and Communal Open Space and Residents Amenities	2,569 sq.m. external communal amenity space (ground level courtyard & 3 no. roof gardens) 1,409 sq.m. public open space
Childcare	One childcare facility (201.1 sq.m.) located at ground floor level of Block B2, to accommodate 56-67 no. children and to exclusively serve residents of the development
Part V	14 no. units on site to be leased to DLRCC
Roads / Vehicular / Pedestrian Access	New vehicular access from Glenageary Avenue, ramp to basement car park Pedestrian connections to public realm at Sallynoggin Road and Glenageary Avenue
Car and Cycle Parking	113 no. car parking spaces (including 5 no. mobility parking spaces and 15 no. electric charging spaces); 5 no. motorcycle parking spaces and 428 no. bicycle parking spaces, all at basement level 60 no. surface level cycle parking spaces
Non-residential uses	6 no. commercial units (493.8 sq.m. total) located at ground floor level in Blocks A1, A2 and B2
Residents Support Facilities, Services and Amenities	807.9 sq.m. internal resident's amenities

Ancillary Development	Include public realm/footpath improvements, landscaping, boundary treatments, internal footpaths, bin storage, foul and surface water drainage, green roofs, ESB substation and all site services, site infrastructure and associated site development works necessary to facilitate the development
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3.2. The development comprises 147 no. Build to Rent (BTR) apartment units as follows:

Unit Type	No. of Units	%
Studio	9	6%
1 bed	51	35%
2 bed	67	45%
3 bed	20	14%
Total	147	

3.2.1. The development is to be constructed in four no. blocks as follows:

- Block A1 containing 30 no. apartments (1 no. studio, 20 no. one bedroom and 9 no. two bedroom), three no. ground floor commercial units and measuring five storeys in height;
- Block A2 containing 17 no. apartments (6 no. one bedroom, 7 no. two bedroom and 4 no. three bedroom), two no. ground floor commercial units and measuring four storeys in height;
- Block B1 containing 31 no. apartments (19 no. two bedroom and 12 no. three bedroom), part-six part-seven storeys in height; and,
- Block B2 containing 69 no. apartments (8 no. studios, 25. no one bedroom, 32 no. two bedroom and 4 no. three bedroom), a ground floor creche, one no. ground floor commercial unit, part seven, part eight and part nine storeys in height.

3.2.2. 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.

- 3.2.3. The application is accompanied by a Material Contravention Statement, an EIA Screening Report and an AA Screening Report. In addition, an Article 299B Statement has been submitted with the application, in accordance with Article 299B(1)(B)(II)(II)(C) of the Planning and Development Regulations 2001-2021, as amended.

4.0 Planning History

- 4.1. The following application relating to the development site is noted.
- 4.2. Reg. Ref. D14A/0865 PL06D.244904
- 4.2.1. Relating to a larger land parcel (total stated area 1.271 ha), which included the site now occupied by the adjoining Lidl supermarket and car park. Permission sought for a mixed use development comprising a supermarket, a retirement complex, a medical centre and other works including access and parking, up to five storeys in height. DLRCC refused permission for four reasons relating to (1) close proximity of a permitted supermarket of similar scale and material contravention of GDA Retail Strategy and development plan retail policy; (2) Excessive height of retirement home along Sallynoggin Road Lower, negative visual impact and overbearing on the residential dwellings of Sallynoggin Road Lower; (3) bus stops would endanger public safety by traffic hazard or obstruction and (4) does not comply with Green Roofs Guidance document. The Board granted permission subject to 9 no. conditions on 6th October 2015.
- 4.2.2. DLRCC granted permission to an extension of duration under D14A/0865/E on 16th July 2020, such that permission was extended until 14th January 2026.
- 4.2.3. The permitted Lidl supermarket was constructed in the southwestern part of the site. However, the permitted retirement home and medical centre, located at the current subject site, were not constructed.
- 4.2.4. Reg. Ref. D17A/0148 refers to a retention permission relating to the portion of the site containing Block C (Lidl).

5.0 Section 5 Pre Application Consultation

5.1. Pre-Application Consultation ABP-309698-21

5.1.1. The pre-application consultation related to a proposal to construct 172 BTR apartments and eight no. commercial units at the site. A section 5 consultation meeting took place on 14th May 2021 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 24th May 2021 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. Development Strategy

Further consideration and/or justification of the documents as they relate to the development strategy for the site in respect of the proposed density, height, scale and massing of the proposal, having regard to its locational context.

- a) Justification/rationale for the proposed residential density and height with regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).
- b) In addition to the consideration of other national policy and guidelines, particular regard should be had to demonstrating that the proposal satisfies the criteria set out inter alia in section 3.2 and SPPR3 of the Urban Development and Building Heights, Guidelines for Planning Authorities (December 2018). The applicant should satisfy themselves that the design strategy for the site, as outlined in red, provides the optimal outcome for the subject lands.
- c) The interface with existing uses (Lidl and An Post Sorting Office) the interface with the public realm at Sallynoggin Road Lower and Glenageary Avenue as they

relate to the design and layout of the proposed development and the desire to ensure that the proposal provides a high quality, positive intervention at this prominent location. Particular regard should also be had to creating suitable visual relief in the treatment of elevations and interface with adjacent lands. An architectural report, urban design statement, visual impact assessment and additional CGIs/visualisations should be submitted with the application, together with a report that specifically addresses proposed materials and finishes to the scheme.

- d) Furthermore, the layout should address the creation of vibrant, amenable and high-quality communal and public open spaces within the development. Permeability through the site and connectivity. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Potential Impacts on Residential Amenities and Adjoining Lands

Further consideration/justification of the documents as they relate to potential impacts on residential amenities of adjacent residential properties, impacts on adjacent lands and impact within the proposed scheme to include:

- a) Daylight, Sunlight and Overshadowing analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within individual rooms within the development, in communal open spaces and in public areas within the development. The impact on adjoining lands, residential properties and uses should also form part of the assessment.
- b) Further consideration of the details and mitigation proposed, to ensure that the proposed development has been designed to avoid direct overlooking of adjacent residential properties and units within the scheme. The response should include a report that addresses issues of residential amenity (both of adjoining developments and future occupants), specifically with regards to overlooking, visual dominance and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining uses.

- c) The development should be designed so as not to have a negative impact on any potential redevelopment of adjoining lands.
- d) Consideration of the impact on the development/redevelopment potential of adjoining lands, having regard to, inter alia, the limited separation distances proposed between the development and site boundaries.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

3. Traffic and Transportation

Further consideration and/or justification of the documents as they relate to:

- a) Justification/rationale for the Carparking Provision associated with the proposed Build to Rent Apartments.
- b) The provision of safe pedestrian and cycle access and to the safe provision of accessible cycle parking.
- c) Details of landownership and clarification of works proposed outside the site boundary outlined in red. And relevant third party consents where required.
- d) A Carparking Strategy and Mobility Management Plan.
- e) A response to issues raised by Transportation Planning contained in the Planning Authority's Opinion received by An Bord Pleanála on the 9th April 2021.

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. The matters addressed in the applicant's documentation may be summarised as follows.

5.2.2. Applicant's Response to Development Strategy

The main points made may be summarised as follows:

- The applicant has reconsidered the design, height and massing of the development to ensure that any potential negative impacts on adjoining sites and the immediate environs are mitigated appropriately.

- There have been several modifications to the development presented at pre-application stage including a reduction in height of Blocks A1 and A2 from five to four storey height and the progressive stepping down of Block B2 from nine to six storeys. It is submitted that these reductions in height and the associated reduction in density strike an appropriate balance between the need to protect existing amenities and to make efficient use of appropriately zoned and serviced land. The application includes a response to the 12 Criteria set out in the Urban Design Manual that accompanies the Sustainable Residential Development Guidelines, as well as a Townscape & Visual Impact Assessment.
- The stepping down of height across the site, in conjunction with the materiality of the development, is a sufficient design response to both ensure an appropriate interface with adjoining sites and to avoid an overbearing development. The site is laid out with open boundaries and recessed building lines to achieve an attractive communal/ public open space within the site and site permeability/ connectivity, along with appropriate landscaping, seating and bicycle parking infrastructure.
- The development provides a mixed-use scheme of unique contemporary design, which will provide high quality residential and commercial accommodation whilst contributing to the identity of the immediate locality through public realm improvements and the legibility of the area.
- Although the proposed height and density of development exceed development plan recommendations, the development ensures the efficient development of the site in accordance with the provisions of the Building Height Guidelines and the NPF. The application includes a response to the development management criteria set out in section 3.2 of the Building Height Guidelines.
- The development includes an appropriate quantum of commercial accommodation in accordance with the 'NC' zoning objective.
- It is submitted that the proposed design modifications, in conjunction with the comprehensive justification for the height and design of the development, appropriately address the issues outlined in Item No. 1 of the pre-application Opinion.

5.2.3. Applicant's Response to Potential Impacts on Residential Amenities and Adjoining Lands

The main points made may be summarised as follows:

- The development has been designed to maximise daylight to proposed residential units and to minimise overshadowing of adjoining lands. The submitted Daylight and Sunlight Assessment confirms an assumed compliance of 95.2% of the total Living/Kitchen/Dining rooms with the Average Daylight Factor (ADF) of 2.0% and compliance with the ADF of 1.5% at 95.7%. These rates of compliance represent a significant increase relative to previous stages of design development and have been achieved through the active revision of apartment layouts and associated modelling. The Daylight and Sunlight Assessment also details the compliance of communal/public amenity spaces with relative BRE standards and confirms an imperceptible impact on neighbouring properties with regards to potential shadow impact.
- The extent of glazing on outward elevations has been minimised to reduce potential overlooking impacts within and outside the development boundary. Appropriate separation distances have been achieved between the majority of residential units within the scheme. Where the separation distance between directly opposing windows within the scheme is less than the required 22m standard, it is noted that affected windows are not directly opposing and/or are not the sole windows serving the affected room. It is submitted on this basis that overlooking impacts have been appropriately mitigated.
- The proposed stepping down of building heights and the reduction in external glazing, including the omission of windows on the elevation facing the An Post sorting office, also reduce impacts on the development potential of adjoining sites.

5.2.4. Applicant's Response to Movement and Transport Issues

The main points made may be summarised as follows:

- 103 no. car parking spaces are provided for the BTR apartments, a ratio of 0.7 spaces per apartment. The development site has an 'Intermediate Urban Location' due to its proximity to a suburban centre at Sallynoggin and to its

position relative to the local bus network and existing car sharing stations. Planning authorities must consider a reduced overall car parking standard at such locations. The application includes a Parking Strategy and an Outline Mobility Management Plan.

- There is an array of existing walking and cycling infrastructure adjacent to the site, including pedestrian footpaths and cycle lanes, within the vicinity of the site. The development has been designed to ensure safe pedestrian access and provides secure and easily accessible cycle parking at basement level in addition to visitor cycle parking at surface level. Consent has been received, where necessary, for all works proposed under the current application and all works are noted to be contained within the red line boundary of the site.
- The submitted Traffic and Transport Assessment provides detailed information in relation to the various issues raised including works outside the applicant's ownership, works to the public road, pedestrian priority, set-down and deliveries, car parking, electric vehicles, cycle parking, the shared access ramp to the basement car park and shared car/cycle parking provision. It also presents a Traffic Impact Assessment and a Quality Audit whilst confirming compliance with Taking In Charge specifications where applicable.

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)

- Childcare Facilities Guidelines for Planning Authorities
- Urban Development and Building Heights Guidelines for Planning Authorities

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 in this instance:

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 2016-2022 development plan was in force when the subject SHD application was lodged with the Board on 22nd December 2021. The draft Dun Laoghaire Rathdown County Development Plan 2022-2028 was adopted by the Elected Members at a Special County Development Plan meeting held on the 10th March 2022. The adopted plan will come into force 6 weeks after it was adopted, on the 21st April 2022.
- 6.4.2. The site has the zoning objective 'NC', with the stated objective 'To protect, provide for and/or improve mixed-use neighbourhood centre facilities'.
- 6.4.3. The site is subject to Specific Local Objectives SLO 30 and SLO 160 as per development plan Map 7:
- SLO 30 'To prepare a Local Area Plan for Sallynoggin'
 - SLO 160 'To facilitate, support and enhance the development of the area, both roundabouts at Killiney Shopping Centre (Graduate roundabout) and at Glenageary, to be retained, to ensure proper traffic management of the area'.

I note that the referenced Sallynoggin LAP has not yet been prepared /adopted.

- 6.4.4. The following development plan policies are noted in particular:

Policy RET3: Retail Hierarchy

It is Council policy to have regard to the 'GDA Retail Planning Strategy 2008 – 2016' and the 'GDA Regional Planning Guidelines 2010-2022', in defining the retail hierarchy of the County and defining the role of the retail centres. It is Council policy to promote the viability and vitality of its existing main retail centres while continuing to protect and improve the amenity of surrounding areas.

Policy RET6: Neighbourhood Centres

It is Council policy to encourage the provision of an appropriate mix, range and type of uses - including retail and retail services - in areas zoned objective 'NC' subject to the protection of the residential amenities of the surrounding area.

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 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.

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. 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 UD3: Public Realm Design

It is Council policy that all development proposals, whether in established areas or in new growth nodes, should contribute positively to an enhanced public realm and should demonstrate that the highest quality in public realm is achieved.

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. Applicant's 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. The following points of same are noted:

- The development will contribute to national planning policies to achieve more efficient use of underutilised sites within existing built up areas as it involves the redevelopment of a brownfield site within a growing live/work district situated in close proximity to third level education, employment and public transport services.
- The applicant submits a rationale for the proposed building height with regard to the Development Management Principles and Criteria set out in the Building Height Guidelines.

- The development is consistent with Housing for All - A New Housing Plan for Ireland as it provides an appropriate quantum of residential accommodation on a zoned and serviced suburban site.
- The applicant submits analysis of the development with regard to the 12 Criteria set out in the Urban Design Manual that accompanies the Sustainable Residential Development in Urban Areas Guidelines, supported by the Architectural Design Statement. The following points are also noted:
 - The design of the development responds appropriately to its locational context in terms of its scale, massing and architectural treatment.
 - The development is located within a mature public transport corridor, in close proximity to existing bus/rail stops, ensuring good connectivity and provides a strong justification for the proposed density. The location adjacent to existing and proposed cycle/walking routes promotes walking and cycling and minimises car use.
 - The development will promote the efficient use of land and of energy, including transport, and thereby minimise greenhouse gas emissions. and,
 - The development is laid out around a landscaped centralised courtyard, with additional landscaped areas. The design will facilitate significant levels of interaction between residents.
- The development has been designed to be fully compliant with the standards set out in Apartment Guidelines (2020). Detailed analysis of same is submitted.
- The proposed childcare facilitate can accommodate 56-67 no. childcare places. This is considered appropriate for 87 no. 2+ bed units with regard to the Childcare Guidelines.
- The development is consistent with RPO 4.3 of the Eastern and Midland RSES.
- The applicant submits a detailed analysis of consistency with the policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2016-2022. In particular, it is submitted that the proposed residential and commercial uses are acceptable in principle under the NC zoning objective.

- The applicant also submits a detailed assessment of consistency with the draft Dun Laoghaire Rathdown County Development Plan 2022-2028, including consistency with the NC zoning objective and SLO 65.

6.6. **Applicant's Material Contravention Statement**

6.6.1. The applicant has submitted a Material Contravention Statement in relation to the matters of building height, unit mix, car parking and dual aspect units with regard to policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2016-2022. The points made in relation to each of these issues may be summarised separately as follows.

6.6.2. Building Height Material Contravention

- The development, at up to nine storeys, reaches a maximum height of 29.28m and contravenes the Building Height Strategy set out as Appendix 9 of the development plan.
- It is submitted that the proposed building height is justified with regard to the following matters:
 - The site has a highly accessible suburban location;
 - The tallest element of the scheme is at the centre of the site and directly addresses a significant traffic junction;
 - The site is well served by public transport, adjacent to Dublin Bus services and within walking distance of DART services;
 - The development has generous setbacks to adjacent sensitive interfaces and a unique angular design is employed to limit any undue overbearing impacts arising as a result of the development;
 - National planning policy including the Building Height Guidelines encourages increased building heights and intensification of development in central areas such as this.
 - The development includes significant improvements to the immediate public realm in the form of upgraded pedestrian footpaths, landscaping and cycle parking infrastructure; and

- The development is an appropriate response to its prominent location at the Glenageary Roundabout traffic junction as it incorporates commercial uses and active internal amenity spaces and a focal point adjacent to the roundabout which will contribute to the legibility of the area.
- It is submitted that the development is consistent with the development plan Building Height Strategy as it warrants an increase in height in accordance with the Upward Modifiers outlined in section 4.8.1, for the following reasons:
 - The development will contribute to the legibility of the area, framing significant vistas within the locality;
 - The development will provide a major planning gain with a significant improvement to the immediate public realm in the form of upgraded footpaths, landscaping and provision of cycle parking infrastructure;
 - The provision of commercial floor space and a new creche facility, will further the expansion of the local neighbourhood centre for the benefit of existing and future residents; and
 - The development, at 0.6 ha, exceeds 0.5 ha and is capable of setting its own context. In addition, the tallest components are adjacent to the subject site's interface with Glenageary Avenue, away from boundaries with existing residential development.
- It is submitted that the development does not warrant a reduction in height, in accordance with the Downward Modifiers outlined in section 4.8.2 of the Building Height Strategy, for the following reasons:
 - The development site is not located in an Architectural Conservation Area (or candidate ACA), in the setting of a protected structure or in an area of particular character. This location is not the subject of a planning or social objective, such as the need to provide particular types of housing, employment or social facility in an area;
 - The development has been positioned and designed to enhance, rather than adversely affect, views; and
 - The development has been designed to avoid overlooking, overshadowing or excessive bulk and scale.

- The submitted Townscape and Visual Impact Assessment (TVIA) is noted in this regard.

6.6.3. Unit Mix Material Contravention

- The development would contravene the requirements of development plan section 8.2.3.3 regarding unit mix in apartment developments but is consistent with SPPR 8 of the Apartment Guidelines.

6.6.4. Car Parking Material Contravention

- The proposed car parking provision would not meet development plan car parking standards but is justified with regard to SPPR 7(i) of the Apartment Guidelines, also noting public transport availability in the area.

6.6.5. Aspect Material Contravention

- Development plan section 8.2.3.3 states that north facing units will only be considered under exceptional circumstances. A total of 29 no. units within the development are single aspect north facing units.
- The percentage of single aspect apartments is consistent with the Apartment Guidelines, which provide for single aspect units overlooking a public amenity. All of the north facing single aspect units within the scheme will have a view towards the improved public realm along the northern boundary of the site and the wider Glenageary Roundabout junction.

6.6.6. Legislative Context

- It is submitted that section 37(2)(b)(i) applies as the development is of strategic national importance.
- Section 37(2)(b)(iii) applies with regard to the following national planning policy and section 28 Guidelines:
 - NPF NPO 3a and 3b, NPO 4, NPO 13, NPO 33 and NPO35.
 - Sustainable Residential Development in Urban Areas Guidelines
 - Building Height Guidelines, in particular SPPR 1 and 3 and the criteria set out in section 3 of same.

- Apartment Guidelines, which promote higher density development at 'intermediate urban areas'
- Housing for All
- Eastern and Midland RSES
- It is submitted that section 37(2)(b)(iv) applies with regard to several developments that have been permitted in the area since the making of the development plan.

7.0 Third Party Submissions

7.1. A total of 83 no. third party submissions have been received, primarily from local residents. The main points raised in the third party submissions may be summarised as follows.

7.2. Third Party Comments on Principle of Development and General Issues

- Development materially contravenes the NC zoning objective.
- There is already excessive retail floorspace in the area. The area will not benefit from additional development. There is no rationale for the proposed six commercial units and no information regarding the type of businesses that will occupy the units.
- Transient occupation of BTR units will result in a transient population and will not encourage commitment to the area or long term investment. Concerns that BTR development will result in crime and anti-social behaviour. The development has high density and new residents will overwhelm the local community with pressure on existing overstretched local services.
- Development will contravene development plan policy on housing mix and the proportion of one bed units is more than twice the maximum permitted under the development plan. The proposed housing mix is predominantly one and two bed units, which will restrict family occupancy. The apartments should be offered for sale and should include some three and four bed units. Additional family housing should be provided in the area.

- Development will not result in the creation of an open village centre for Sallynoggin, it will detract from the existing village appearance and atmosphere.
- Local Area Plan for Sallynoggin is already overdue, ABP should request timeframe and it should be completed before a decision is made on the subject SHD application.
- The proposed development is not strategic as it falls outside the Council's plan for the area, commercial BTR so not government cost-rental priority and not close to employment. The site is not on a core transport route and is more than 500m from a train station or relevant bus route. No QBC and not likely for the area. Glenageary DART station is 1.2 km distance, a 17 minute or more walk and not c. 10 minutes walking distance as claimed.
- There are already too many BTR developments in the area including at Honey Park nearby.
- Third parties refute the reasons given in the applicant's Material Contravention Statement, especially comparison with the Killiney SHD.
- Lack of public consultation regarding the development.
- The proposed Part V arrangement of long term lease is unsustainable. The proposed 14 no. social housing units is inadequate, and the unit rent prices are not affordable and not good value for money for the Council to meet housing obligations.
- Development represents a 'missed opportunity' to provide a more appropriately scaled three to four storey block that would contribute to the area.
- Existing fire services in the area are understaffed and may not be able to cope with a fire event at the development.
- The proposed creche is inadequate to cater for local childcare demand and has an insufficient play area.

7.3. Third Party Comments on Height, Quantum of Development and Residential Density

- Previous refusals at the site relating to height and density are noted.

- Scheme is excessive in scale and will result in overdevelopment of the site with excessive site coverage and plot ratio, out of keeping with the scale of surrounding development.
- Density x 10 times the current area density including c. 3,000 units built in the last decade. The high level of development already in the area should be taken into consideration.
- Development materially contravenes development plan density and public open space requirements, not justified by section 37(2) provisions or by section 28 guidelines.
- Development contravenes the development plan policy UD6 and Building Height Strategy and is not justified by reference to the Building Height Guidelines.
- The proposed building height is too tall for the surrounding residential and commercial context and has no regard or sympathy to the area or to village character.
- Block B is excessive in height, double the height permissible under the development plan at 30m, generally three times the height of surroundings.
- Development Plan Building Height Strategy Downward Modifiers would apply to the development site.
- The proposed nine storey block abuts Glenageary Avenue and is not positioned in the centre of the site, as suggested in submitted documents.
- The development should be restricted to three or four storey height.
- Development should be in line with other infill developments on Glenageary Road, e.g., Greythorn House and Gowrie Park on similar sized plots, also Honey Park / Culanor, with maximum four storey development spread over a larger site.
- Even if the development is restricted to a five storey height, it would still be excessive in scale and density overall.

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

- Development will have serious adverse impacts on the surrounding and opposing modest size one and two storey houses.

- Development will visually dominate the area. It will be visible for several kilometres including to the sea and will be visually obtrusive in views from all five approach roads. The proposed finishes and contemporary design are unappealing and have no merit or connection to the surrounding residential neighbourhood or natural amenities.
- Development will be overbearing when viewed from adjacent residential properties.
- The development will block views to Killiney and the Dublin Mountains and of the night sky for the wider community.
- The submitted CGIs confirm the overdevelopment and overbearing nature of the proposals, including mass blocking of views to the hills/sea.
- The initial montages do not show the full scale of the nine storey block. They do not show views from either the front or back of Glenageary Avenue / An Post sorting office, which would highlight the excessive size of the development. There is no survey of the Hertz building, compared to the development. Many montages do not include the nine storey element and skew height perspectives.
- Development will have adverse impacts on the character and setting of the adjacent c.1910 artisan cottages.
- Development does not follow the building lines of Glenageary Avenue or Sallynoggin Road.
- Claim of 0.6 ha allowing own context to Glenageary Avenue away from houses is contradicted by earlier statements regarding set-backs and central position.
- Development will overshadow adjacent residential properties, particularly the proposed nine storey block. Development will particularly result in overshadowing at Sallynoggin Road, Sallynoggin Villas and Glenageary Avenue.
- No shadow analysis of impacts on Glenageary Avenue.
- Daylight and Sunlight Assessment does not include cottages at Longford Villas, Sallynoggin Road, which are directly affected by the development.
- The application should include more information on overshadowing impacts.

- Development will result in overlooking of adjacent private open spaces and windows to residential properties and Glenageary Avenue and other adjacent properties. Proposed roof gardens and terraces will lead to overlooking.
- Drone photographs are submitted to indicate the potential extent of overlooking from the 9th storey of the development.
- Development will result in night-time light pollution
- Noise pollution due to the height of the development and to proximity to adjacent residential properties, particularly from roof top open spaces. Additional noise considerations of echo effects on proposed close and high buildings and increased traffic and high levels of occupancy.
- Proposed operational waste management arrangements are inadequate and will result in adverse impacts to residential amenities and traffic congestion associated with waste collection.
- Health and safety issue of objects being thrown off the roofs to below.
- Development will have a detrimental impact on the value of surrounding properties.
- Adverse impacts on residential amenities during construction associated with noise, interference and inconvenience for an extended period. Granite on site will likely hinder excavation, planning authorities should require a geological survey of the site before considering the proposed development.
- Request conditions that works and tower cranes do not interfere with Credit Union building telecoms.
- Adverse impacts on the development potential of the An Post Glenageary sorting office site due to lack of block and window separation required by development plan section 12.3.5.2.

7.5. Third Party Comments on the Quality of Residential Development

- Development contravenes several aspects of the development plan including separation distances, development too close to the road, open plan internal layout, which is very vulnerable to sound, weather/heating impacts, traffic and parking noise.

- The proposed studio apartments barely meet the minimum size. A large proportion of the two bed units are only 3 sq.m. above the minimum size in ministerial guidelines and smaller than development plan standards. The submitted documents do not mention that the apartment floor areas fall short of the requirements of development plan section 8.2.3.3 (vii).
- The proposed apartments lack adequate storage and communal open space.
- Inadequate provision of single aspect units. Apparent discrepancy between the number of north-facing, single aspect units on the Part V valuation document and the outline schedule of accommodation. The proposed single aspect north facing units do not meet parameters for overlooking significant amenity areas, water body or other amenity features.
- The required 22m separation distance is not achieved between blocks within the development.
- Developers concede that the development does not meet 100% compliance for ADF of 2.0%.
- The ratio of public open space to residential units is significantly inadequate.
- The quality of the public open space at the courtyard is poor with mostly hard landscaping and corporate style raised beds, surrounded by tall buildings, the area will mainly function as a throughfare.
- The use of roof gardens highlights the lack of ground floor level open space but does not compensate for under provision of open space at ground level. Concerns about safety of roof level play areas.
- The spaces between the proposed blocks will be narrow and dark with consequent low levels of amenity.
- Concerns about maintenance of proposed public open space areas and potential anti-social behaviour at same.
- Development does not include solar panels and is not in keeping with housing quality and climate strategy.

7.6. Third Party Comments on Transport and Movement Issues

- Development includes inadequate car parking provision, should be at least one space per residential unit. Some two bed units may need three or four cars. Inadequate car parking provision for the creche and commercial units. Development does not comply with development plan car parking standards.
- No surface car parking provided, leading to overspill car parking at surrounding areas. Adjacent roads are already used as HSE parking overflow and parking demand generated by the development will compete with this availability. Streets beside the site are already congested at night and the adjoining roadway is congested by parking associated with the sorting office.
- Development could result in traffic jams at Glenageary Avenue and Sallynoggin Road, traffic effects will create a barrier between the communities of Sallynoggin and Glenageary / Killiney.
- Development will result in an unacceptable increase of traffic at the Glenageary Roundabout with unresolved SLO 160. There is considerable existing congestion at the roundabout with tailbacks due to the Honeypark / Culanor developments. General existing traffic congestion in the area will be exacerbated. Commercial uses including the creche will add to existing rush hour traffic.
- Submitted Traffic Survey is not complete as it was taken during Covid-19 restrictions, no 2017-2020 RSA road collision statistics.
- There is limited public transport availability in the area with only two prime Dublin Bus routes linking to the city centre, routes nos. 7 and 7a, with other routes serving bus stops over 1 km away.
- Traffic congestion caused by the development could hinder emergency access to adjacent residential roads.
- ABP should ensure funding for safe Sallyglen roundabout cycle lane access.
- Lack of clarity regarding pedestrian and cycle connections and the treatment of pedestrian facilities at site boundaries.

- No drop off area for the creche and commercial units. Proposed drop off area for waste connection is unsuitable and will cause obstruction, there should be a turning area within the site.
- Difficult for emergency vehicles to access the site, danger to residents of Glenageary Avenue and to the creche.
- Traffic hazard at the basement car park access onto a narrow roadway beside the An Post sorting office, conflict with traffic associated with the sorting office. The basement access should be directly onto the Sallynoggin Road or to Lidl.
- Glenageary Avenue measures 5m wide, not 6m as cited in the Aecom report, impacts findings.
- Traffic risk to vulnerable children from local schools and residential areas.
- Overflow would overwhelm the existing adjacent dedicated cycle way. Potential conflict between pedestrian and cycle movements.
- No details of construction traffic or staff parking during construction.
- Lack of EV charging points to serve the development.

7.7. Third Party Comments on Drainage, Flood Risk and Site Services

- The site acts as a potential flood soakaway for the area. The development increases flood risk to the existing and surrounding sites.
- The application does not demonstrate sufficient drainage, water supply or flood risk.
- Threat to public health as deficient foul sewer in the area and high density development proposed.
- Development will have an adverse impact on water pressure in the area.
- Need for more analysis of loading on existing drainage / sewer / water services.

7.8. Third Party Comments on Ecology and Environmental Impacts

- Light pollution from the development will impact on wildlife including birds and bats

- Development will result in the loss of pollinators, wildflowers, and another green area lost to the community.
- The submitted EIA Screening, AA Screening and Ecological Report are inadequate and deficient.
- There is inadequate information in the Planning Report, EIA Screening and Construction and Waste Management Plans to allow for a complete assessment of pollution and nuisances and risk to human health associated with the development and any conditions, therefore are contrary to the EIA Directive.
- The application does not provide an adequate description of the construction phase and of construction management measures.
- It is impermissible for the purposes of EIA Screening for certain matters, not detailed in the documentation presented, relevant to the impact of the development on human health (such as noise/ dust, etc) to be left over to be resolved by condition, such an approach is contrary to the requirements, including public participation requirements, of the EIA Directive.
- Not enough consideration of pollution from roundabout traffic on creche and commercial units.
- Due to the nature of the site, currently containing identified contaminants, height and locus to the protected habitats, the development should be subject to full EIA.
- Insufficient information re bird / bat flight lines / collision risks, or on biodiversity.
- No cumulative assessment re other SHDs.
- Population and Human Health section of EIA Screening fails to assess the impact of an increased population in the area on services including schools, childcare and medical care.
- Insufficient consideration of both construction and operational impacts on environment, including insufficient surveys of bird collision / flight line risks including for EIA Screening and AA screening and no explanation of AA Screening Report Zone of Influence.

- AA Screening Assessment does not provide sufficient reasons or findings as required under Article 6(3) of the Habitats Directive and the conclusions/ statements made do not identify any clear methodology.
- Brent Geese and other birds pass over the area, bats roost in nearby estates.
- Significant loss of landscaping and negative impacts on biodiversity.
- The Board lacks ecological and scientific expertise and/or does not appear to have access to such ecological/scientific expertise in order to examine the EIA Screening Report as required under Article 5(3)(b) of the EIA Directive and national law including the 2000 Act and 2001 Regulations.
- The AA Screening Report impermissibly has regard to 'mitigation measures' for the purposes of carrying out AA Screening, contrary to the requirements of Article 6(3) of the Habitats Directive.

7.8.1. Third Party Comment on Legal Issues

- The Building Height Guidelines 2018 and Apartment Guidelines 2020 are *ultra vires* and not authorised by section 28(1C) of the Planning and Development Act 2000 (as amended). In the alternative, insofar as section 28(1C) purports to authorise these Guidelines, including the SPPRS, such provision is unconstitutional / repugnant to the Constitution. These Guidelines are also contrary to the SEA Directive, insofar as they purport to authorise contravention of the development plan / LAP without an SEA being conducted, or screening for SEA being conducted, on the variations being brought about the development plan / LAP as a result of same. If the Board purports to justify the non-compliance with the objectives of the LAP, Development Plan, Masterplan and /or Urban Design Framework, this will amount to an unlawful breach of the requirements of the SEA Directive.
- The application and application documentation do not comply with the requirements of the Planning and Development Regulations 2001 (as amended) in terms of the particulars provided with the application in respect of the proposed development, including in relation to the plans and particulars lodged. The application documentation does not comply with the requirements of the 2016 Act

and the associated Regulations in relation to the requirements for detailed plans and particulars.

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 HEPI (Housing, Economic Development, Community and Cultural Development, Planning & Infrastructure and Climate Change Business) Area Committee Meeting held on 10th February 2022. 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.

8.2. Issues Raised by Elected Members

8.2.1. The main points made may be summarised as follows:

- Proposed height and density excessive, particularly up to nine storeys.
- Not a suitable location for a gateway building.
- Too high compared to opposing one-storey to two-storey cottages and loss of light and overbearing.
- Not suitable for NC Neighbourhood Centre zoning due to high percentage of residential units.
- Not suitable for residential development due to existing high levels of traffic, noise and dust.
- Public transport access not enough to justify density.
- BTR proposals not providing for needs of community and residents.
- Excessive in addition to recent development on Glenageary Road, e.g., Honey Park.
- Single aspect unit ratio excessive.
- North only single aspect units should be avoided.
- Part V provision should be higher at 15 units.

- Open space at ground floor level inadequate.
- Lack of clarity for bin collections and exacerbate existing traffic and access problems at An Post sorting office and adjacent Glenageary Avenue roadway.
- Residential and commercial parking overspill likely into surrounding streets, parking provision too little.
- Parking provision may be too much.
- Montages overly sympathetic.
- SHD undemocratic and contrary to County Development Plan.
- Noise impact from residential dwellings onto surroundings, e.g., to existing surrounding residential gardens.

8.3. DLRCC Planning and Technical Analysis

8.3.1. The planning and technical analysis includes the planning report dated 24th February 2022, as well as reports by DLRCC Drainage Planning (2nd February 2022), DLRCC Transportation Planning (3rd February 2022), DLRCC Transportation Public Lighting Section (21st January 2022), DLRCC Housing Department (31st January 2022), DLRCC Waste Management (21st February 2022), which are all incorporated into the following summary.

8.3.2. DLRCC Comment on Principle of Development and NC Zoning Objective

- The planning authority generally welcomes the provision of a mixed use scheme on this brownfield site. It considers that the inclusion of ground floor, commercial uses, for active frontage along more, or parts of the ground floor elevations (facing outward and inwards into the site), with residential above, can create vibrancy and bolster the function of the existing neighbourhood centre. The proposed residential and commercial uses are acceptable in principle under the NC zoning objective.
- Notes that the proposed six no. commercial units will be occupied by non-retail uses such as estate agents and medical practitioners, due to their relatively small unit size. Notes development plan policies RET3 and RET6. Having regard to the location of the development and surrounding area, the residential component of the development, and the existing mix, range and type of uses within the existing

neighbourhood centre, considers that the proposed commercial units would help to meet the day-to-day needs of surrounding residents and could improve the mix, range or type of uses within the centre, and could help to promote its mixed use potential.

- Considers that the proposed large quantum of residential units and the resulting floor / façade areas assigned to residential use on the ground floor level, is excessive on NC zoned lands, also having regard to the very prominent corner location of the site, and its otherwise potential to also serve as a link between the existing NC uses on either side and consolidate the NC zoned land uses at this location overall.
- Considers that the proposed development would, if permitted, by reason of its limited quantum of ground floor, commercial uses and alongside the relatively high number of residential units proposed, and its layout and site configuration, would materially contravene the NC zoning objective.

8.3.3. DLRCC Comment on the Quantum of Residential Development, Residential Density and Building Height

- Notwithstanding the potential redevelopment benefits of the development site, the planning authority also has significant concerns regarding the overall scale, height and massing of the proposed buildings, particularly Blocks B1 and B2 and the southeast side elevations and their elements to the front north/northeast elevations. The development by reason of its overall scale, would constitute overdevelopment. The development also fails to have regard to its surrounding context to the east, northeast and southeast.
- Notes that there are few, or no, close or distant submitted montages, or supporting sketches, etc. with regard to direct, or near direct views to the east elevations or viewing the site from Glenageary Avenue and other areas to the south and southeast. Also notes that Block A1 is mis-labelled as A2 in the northwest contiguous elevation.
- The development site occupies a prominent corner location, and the development would be visible from many vantage points in the area. Considers that it has not been demonstrated that the development would not harm the visual amenities of the surroundings to the north, east and northeast and southeast. Considers that

the development fails to have due regard to its surrounding context and would have a detrimental impact on the character of the surrounding area and on a very prominent corner and road junction.

- The planning authority comment includes a detailed assessment of the development with reference to the criteria set out in section 3 of the Building Height Guidelines and concludes that the development does not meet the criteria in many respects.
- While the planning authority is satisfied that the development site can absorb additional height compared to its surroundings, the development is considered to be contrary to the policies and objectives of the development plan Building Height Strategy and the Building Height Guidelines due to its height and scale and failure to integrate with its surroundings.

8.3.4. DLRCC Comment on Impacts on Visual and Residential Amenities

- The planning authority considers that the development would have a detrimental impact on the character and visual amenities of the surrounding areas.
- Considers that the development, by reason of its overall height and location, its overall massing and form, would be visually dominant, overbearing and incongruous within the easting east and north streetscapes.
- Considers that the development would unduly impact on the character and visual amenity of the receiving environment and the existing established pattern of development in the area and does not successfully integrate into or enhance the character of the area.
- The development is considered to be contrary to section 8.3.2 (Transitional Zoned Areas) of the 2016-2022 County Development Plan, as it will significantly compromise the residential amenities of the properties within its immediate vicinity, which are located on lands zoned Objective A 'To protect and /or improve residential amenity' by reason of being visually overbearing, and unduly visually prominent and incongruous.

8.3.5. DLRCC Comment on Quality of Residential Accommodation

- Considers that the development generally satisfies the requirements of SPPR 7 of the Apartment Guidelines for BTR development.

- Some concerns regarding the design of the storage spaces within the apartments.
- Concerns regarding the small size, layout and orientation and/or aspect of several balconies including the north facing one bed units in Block B, also the details layout of the Type C studio unit. Also, the Acoustic Design Statement indicates that balconies on the north elevation of Block A2 and the north and east elevations of Blocks A1 and A2 are predicted to exceed the desirable noise levels for external amenity spaces (noting that the assessment is based on lower traffic volumes during Covid-19 restrictions). Considers that several of the balconies would not provide adequate levels of quality amenity for future residents.
- Concerns regarding the classification of some of the units as dual aspect. C. 26 no. units stated as dual aspect are not accepted by the planning authority as such due to (i) the small extent of window area facing a second elevation (ii) not sufficiently canted to be considered to face another orientation and (iii) not considered a second elevation as the stated elevation appears only to be the sides of an inset balcony/ bay window or similar. This would reduce the stated number of dual aspect units from 102 no. to 76 no. units (51.7%). Notes also the relatively poor aspect of several units within the development facing north, or just east or west of due north, and/or relatively closely facing other blocks within a cluster of buildings.
- Considers that the separation distances between the blocks and to the site boundaries and adjacent buildings, specifically to the south/southeast, east and northeast, are deficient and would lead to serious negative impacts on the indoor/outdoor residential, privacy and visual amenities for residents of the development and undue visual impacts.
- Concerns about the small separation distances between blocks and to the site boundaries.
- Considers that the ground floor units would have a poor level of residential amenities due to their layout, ground floor positions, orientations and aspects, particularly at the interfaces to the boundaries, and particularly facing the commercial uses and roadway/parking/access arrangements adjacent to the south and east boundaries.

- The development does not appear to meet the standards for ground floor level floor-to-ceiling heights in accordance with the Apartment Guidelines. Also considers that floor-to-ceiling heights >2.7m are required for ground floor units within the development due to their smaller size, single aspect and/or north or off-north orientations and potential conversion to commercial use in the context of the NC zoning objective.
- Concern that less than half of the units were assessed for ADF in the Daylight and Sunlight Assessment, a fuller study may indicate a higher percentage of units not meeting the standards.
- The development would result in a substandard level of residential accommodation for future occupants and would therefore appear to not be in compliance with the Apartment Guidelines.

8.3.6. DLRCC Comment on Open Space and the Public Realm

- The development consists of tall and large urban blocks in a tight configuration, close to or immediately adjoining the site boundaries. This typology is not characteristic of the area, which is characterised by relatively low scale commercial buildings and one or two storey houses. Considers that the development is more reflective of an inner city context. In particular, the six storey eastern element of the development projects noticeably forward of the existing building line. However, the western side of the development is sufficiently set back and the heights of Blocks A1 and A2 are generally acceptable to the west / northwest.
- Considers that the ground floor residential elements would not provide for an acceptable level of animation of the public realm, both in regard to their relationship to adjoining sites in the vicinity and within the scheme itself.
- Open spaces within the development will be subject to overshadowing. The majority of the central courtyard space will receive less than an hour of sunlight on March 21st as per the Daylight and Sunlight Assessment and will be considerably overshadowed at other times of the year.
- While the quantum of communal open space generally meets the requirements of the Apartment Guidelines, the overall location, shadowing, position/layout and

overall size of the communal spaces, in the mostly enclosed central courtyard and high roofs, raises concerns regarding the quality and quantum of the proposed communal open space.

8.3.7. DLRCC Comment on Childcare Provision

- The proposed creche provision is considered acceptable with regard to the Childcare Guidelines, however the external play space would not meet BRE criteria for adequate day/sunlight provision.

8.3.8. DLRCC Comment on Movement and Transport

- The report of DLRCC Transportation Planning highlights several concerns that have not been addressed in the subject application.
- It is unclear if the applicant has engaged with DLRCC Traffic and Road Maintenance Sections, to facilitate the provision of necessary pedestrian infrastructure to support the development. The application omits pedestrian crossings and other elements. These issues are highlighted in the submitted Quality Audit but are not addressed in the proposed development. Transportation Planning considers that the development is deficient in this regard and that the lack of pedestrian facilities will be detrimental to future residents of the development.
- Concerns that the omission of details of pedestrian infrastructure for the development from the application indicates an onus on DLRCC to carry out works to pedestrian infrastructure for the benefit of the development, e.g., pedestrian crossings.
- The proposed vehicular entrance does not cater for pedestrian priority. Concerns regarding the design of the access ramp, which does not comply with development plan requirements.
- The layout of the proposed set down area is unsatisfactory as it would require vehicles to reverse onto Glenageary Avenue, which is 6m wide, obstructing the flow of traffic.
- There are discrepancies between the submitted drawings and documents regarding car parking provision. The description of the development states that a

total of 113 no. basement car parking spaces are proposed but the TTA states that 120 no. basement car parking spaces will be provided.

- Transportation Planning considers that the proposed car parking provision is not achievable as the basement layout does not cater for access to or from the cycle parking area with constrained vehicular movements as per the submitted Auto track Analysis. The basement layout indicates a substandard cycle parking facility. The basement access ramp is unsuitable for cycle access. Transportation Planning cannot validate the proposed quantum of 488 no. cycle parking spaces due to lack of suitable safe access to the basement car park and to lack of access to the basement cycle parking stands due to obstruction by car parking spaces.
- The submitted Traffic and Transport Assessment (TTA) is considered satisfactory.
- The proposed car parking arrangements for the construction phase are unclear due to discrepancies in the submitted documents. Concerns that construction traffic will have impacts on the area, particularly at Glenageary Avenue.
- DLRCC Transportation Planning concludes that the development is deficient, lacks detail and does not comply with the Dun Laoghaire Rathdown County Development Plan 2016-2022. Transportation Planning recommends refusal and states:

The quantity and quality of car parking provision, cycle parking provision, layout of basement and access to cycle parking are all considered to be deficient, and will, in the event of a grant, result in the provision of substandard level of residential amenity for residents, and the creation of conflicts between users in the basement, resulting in the creation of traffic hazards within the proposed development. Transportation Planning considers that these issues, at this point, are unlikely to be overcome by way of recommended planning condition ...

- DLRCC Transportation Planning also recommends conditions to be imposed if permission is granted.

8.3.9. DLRCC Comment on Surface Water Drainage and Flood Risk

- DLRCC Drainage Planning notes that several outstanding issues relating to connection to the public surface water sewer are unresolved, however they may be addressed by recommended conditions.
- DLRCC Drainage Planning accepts the conclusions of the submitted Site Specific Flood Risk Assessment (SSFRA) and the development is considered to be in accordance with the Strategic Flood Risk Assessment of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

8.3.10. DLRCC Comment on Waste Management

- Development lacks sufficient details of waste management during the construction and operation phases, including details of basement excavation, and noting the comment of DLRCC Waste Management that the soil stored on the site may contain contaminated material left over from previous developments at the site.
- The proposed operational waste management plan is seriously deficient.
- Report of DLRCC Environmental Health Officer (EHO) states that further information is required on several issues including details of demolition management and basement excavation, more detailed construction management plan and basement noise survey with consideration for the sensitive location of the site adjacent to the St. John of God community service facility and to residential properties.
- DLRCC Waste Section is generally unhappy with the submitted documents and requires further information on several issues including environmental management and monitoring and waste management during construction, also noise management and operational waste management.

8.3.11. DLRCC Comment on Part V

- Notes that the Planning Report refers to 14 no. units to be leased to meet Part V obligations, however the submitted schedule and drawings indicate only 13 no. units.
- DLRCC Housing Department states that Council priority is to acquire residential units for social housing and in line with Government policy to phase out long-term

leasing of social housing the Council will seek to progress the build and transfer of units on-site into its ownership as the preferred method of compliance with the provisions of Part V. Accordingly, the applicant should be requested to submit an alternative Part V compliance proposal for consideration and agreement, in the event of a grant of permission.

8.4. DLRCC Recommendation

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

1. The proposed development, by reason of its scale, height, massing and layout, and proximity to site boundaries, fails to have regard to its surrounding context and would have a detrimental impact on the character of the surrounding area. The proposal is considered to constitute overdevelopment of the site and is considered to be contrary to the Section 8.3.2 (Transitional Zoned Areas) of the Dun Laoghaire Rathdown County Development Plan 2016-2022, insofar as it will seriously injure the residential amenities of properties located within its immediate vicinity by reasons of being visually overbearing, incongruous and overshadowing impacts. Furthermore, the quantum and location of various residential units proposed at ground floor level, which include residential units fronting onto existing commercial premises on adjoining sites to the southwest, and proximate to the main basement car park entrance to the proposed development on Glenageary Avenue, would result in a poor level of residential amenities for future occupiers of the proposed development. 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 development of the area.
2. The application site is located on lands zoned Neighbourhood Centre, 'To protect, provide for and/or improve mixed-use neighbourhood centre facilities', in the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site comprises of a vacant brownfield site. The proposed development, by reason of its site configuration and limited quantum of commercial uses at ground floor, in addition to the number of residential uses proposed at ground floor level, would

not provide for an acceptable level of animation of the public realm, would have a detrimental impact on the 'NC' land use zoning, vitality and character of the surrounding area, and would thereby militate against the realisation of the 'NC' land use zoning objective. The proposed development would, therefore, materially contravene the 'NC' land use zoning objective of the Dun Laoghaire Rathdown County Development Plan 2016-2022, and would be contrary to the proper planning and sustainable development of the area.

- 8.4.2. DLRCC also recommends conditions to be applied in the event that the Board decides to grant permission, including recommended Condition no. 2, which requires that Block B1 shall be amended by omitting the top two floors, such that it has a maximum permitted height of 4-5 storeys. Condition no. 2 also requires that the two top, set back floors of Block B2 shall be omitted, as well as the top four floors of the main 6-9 storey element, i.e., omission of the 5th, 6th, 7th and 8th floor levels such that Block B2 has a maximum permitted height of 4-5 storeys. The recommended Condition no. 3 requires that the uses of the ground floor commercial units shall be the subject of a separate planning application. The remaining conditions recommended are considered to be standard for this type of mixed use development in an established urban area.

9.0 Prescribed Bodies

- 9.1.1. The subject application was referred to the following prescribed bodies, as advised in the section 6(7) pre-application Opinion and as required under section 8(1)(b) of the Act and article 285(5)(a) of the Regulations:

- Irish Water
- The Minister for Housing, Local Government and Heritage
- The Heritage Council
- An Taisce
- Dun Laoghaire Rathdown County Childcare Committee

There are no submissions on file from any of the above prescribed bodies.

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 following third parties request an oral hearing on grounds relating to the matters summarised above:

- Michele Macari and Christina Magan
- Safann McCarthy
- Michael Jackson
- Declan Flynn
- Cormac Keane
- Linden Lee
- Cormac Keane
- Owen O'Reilly and Others
- Nichola Coleman
- Bellevue, Glenageary & Rochestown Residents Association
- Fiona Ryan and Andrew Quirke

No specific grounds are requested. 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, as summarised above.

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, Quantum and Density of Development
- Housing Mix and Tenure
- Design and Layout, Quality of Residential Development
- Visual Impacts and Interaction With the Public Realm
- Impacts on Residential Amenities
- Building Height
- Part V
- Childcare Provision
- Movement and Transport
- Drainage, Flooding and Site Services
- Ecology
- Material Contravention
- Chief Executive Report

These issues may be considered separately as follows.

NOTE 1: The applicant has submitted a Material Contravention Statement in relation to the matters of (i) building height; (ii) unit mix; (iii) aspect and (iv) car parking. The relevant technical matters and related development plan policies and objectives are addressed in each section, with the details of Material Contravention dealt with separately below.

NOTE 2: I highlight to the Board that the draft Dun Laoghaire Rathdown County Development Plan 2022-2028 was adopted by the Elected Members at a Special County Development Plan meeting held on the 10th March 2022. The adopted plan

will come into force 6 weeks after it was adopted, on the 21st April 2022. As required, I have assessed this proposal against the plan currently in place, namely the Dun Laoghaire Rathdown County Development Plan 2016-2022, as have the planning authority, and the following assessment is based on the current development plan. I refer the Board to section 16 of the submitted Planning Statement of Consistency where the applicant has examined the proposal in the context of the draft plan.

11.2. Principle and Density of Development

11.2.1. Land Use Zoning

The site has the zoning objective NC 'To protect, provide for and/or improve mixed-use neighbourhood centre facilities', as per development plan Map 7. The site is part of a wider area of NC zones lands that also includes the adjoining Lidl supermarket, the An Post sorting office to the immediate south, an area of open space between the site frontage and Glenageary Roundabout, the Hertz premises on the opposite side of Glenageary Avenue and an existing established neighbourhood centre at the junction of Glenageary Road Upper and Glenageary Avenue.

The applicant's detailed description of the development states that it comprises 147 no. BTR apartments, a creche, residents' services and amenities and six no. ground floor commercial units. The ground floor plan indicates that the two units on the ground floor of Block A2 will be café /restaurant units. The three no. commercial units on the ground floor of Block A1 are indicated as medical / local services. There is a further medical/ local services commercial unit on the ground floor of Block B2. The applicant states the commercial units will non-retail, due to the relatively small unit sizes, but will be occupied by other uses such as estate agents and medical practitioners.

Third parties submit that the development materially contravenes the NC zoning objective as there is no rationale for the proposed six commercial units, there are no details of the intended occupants, and there is already excessive retail floorspace in the area. The CE Report comments that the residential aspect of the development is generally in accordance with national planning policy and permitted in principle under the NC zoning objective (notwithstanding concerns relating to density and scale, which are discussed elsewhere in this report). The commercial units are generally

given favourable consideration by the planning authority as an opportunity to meet the day-to-day needs of local residents within the Neighbourhood Centre area, in accordance with development plan Policy RET3. However, the CE Report goes on to state concerns about the layout of the development, noting that the site and the adjoining Lidl supermarket are severed from adjacent existing neighbourhood facilities to the northwest by heavily traffic roads. DLRCC considers that the development should provide a link between the Lidl supermarket and the wider Sallynoggin area with the neighbourhood centre to the northwest but fails to do so due to the presence of a 'comparatively large' number of residential units at ground floor level. The CE Report states:

Having regard to the NC zoning of the site and its important prominent position, both in terms of its visibility at the roundabout/adjoining roads/neighbourhoods, and as a relatively large vacant, brownfield site located between somewhat unconnected NC zoned lands, the Planning Authority considers that the proposal will not provide for an acceptable level of animation of the public realm, both in terms of its relationship to adjoining sites in the vicinity, and within the scheme itself.

The planning authority therefore considers that the development would, by reason of its size, configuration and limited quantum of commercial uses at ground floor level, materially contravene the NC zoning objective and recommends refusal on this basis.

I note that the uses 'Residential', 'Childcare Service', 'Doctor/Dentist, etc.' and various other local services such as 'Betting Office', 'Community Facility', 'Craft Centre/Craft Shop', 'Cultural Use', 'Offices less than 300 sq.m.', 'Public Services', 'Restaurant', 'Sports Facility', 'Tea Room/ Café' and 'Veterinary Surgery' are all permissible in principle under the NC zoning objective. Having regard to the location and zoning of the site, I concur with the view of the planning authority that the proposed uses are generally acceptable in principle under the NC zoning objective.

Development plan Policy RET6 is to encourage the provision of an appropriate mix, range and type of uses - including retail and retail services - in areas zoned objective 'NC' subject to the protection of the residential amenities of the surrounding area. Development plan section 3.2.2.6 provides further guidance, stating that the function of neighbourhood centres is to provide a range of convenient and easily accessible

retail outlets and services within walking distance for the local catchment population. I accept that commercial units facing the internal spaces within the development could have limited viability given that they would not be visible from the public realm, however such spaces could also be occupied by local services not dependent on passing trade, such as the creche. The development plan does not provide any more detailed guidance in terms of the quantum and nature of commercial development at ground floor level, and I therefore consider that the development does not materially contravene the zoning objective in this regard. The issues of active frontages at ground floor level and interactions with the public realm are considered further below.

11.2.2. Residential Density

Many of the third party submissions comment that the development is excessive in density and will result in overdevelopment of the site with excessive site coverage and plot ratio, also that the proposed density of development is out of keeping with the character of the area. The CE Report notes current national and regional planning policies on the consolidation of urban areas, as well as development plan Policy RES4 to improve and conserve housing stock levels of the County, to densify existing built-up areas and to maintain and improve residential amenities in existing residential development and Policy RES3 to generally promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas. The CE Report concludes that the proposed net residential density of 255 units/ha is excessive and would represent overdevelopment of the site. Recommended refusal reason no. 1 refers to 'overdevelopment of the site', among other issues.

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

5.7 of those Guidelines states that brownfield sites in urban areas present an opportunity for redevelopment at higher densities and section 5.8 of the Guidelines states that minimum net densities of 50 units/ha, subject to appropriate design and amenity standards, should be applied within public transport corridors, defined as 500 m walking distance of a bus stop, or within 1 km of a light rail stop or a rail station.

The site is served by several Dublin Bus routes (nos. 7 and 7A), connecting to the city centre, each with services every 30 minutes, with adjacent bus stops. The nearest Bus Connects Core Bus Corridors are the Bray to City Centre route at the N11, c. 2 km to the south and the Blackrock to Merrion route, c. 3 km to the northwest. The nearest DART station at Glenageary is c. 1.3 km from the site. I therefore consider that the site is accessible but is not immediately adjacent to a public transport node. This would generally correspond to an 'intermediate' urban location with regard to the definition of same provided in section 3 of the Apartment Guidelines, also having regard to the proximity of employment locations at Sallynoggin. The Apartment Guidelines state that such locations are generally suitable for smaller-scale, higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (>45 units/ha).

Having regard to all of the above and noting that the prominent location of the site within a neighbourhood centre presents an opportunity for the development of a viable, mixed use scheme, in accordance with national and regional planning policies on the compact development of urban areas, I consider that the site is generally suitable for higher density development, subject to design and amenity standards, which are discussed in detail in other sections of this report. I also note that, while refusal reason no. 1 recommended by the planning authority refers to 'overdevelopment of the site', it does not however state that the proposed residential density would materially contravene the development plan in terms of residential density. I note that development plan section 8.2.3.2 (ii) states that 'in general', density should be determined with reference to the Sustainable Residential Development Guidelines, and I consider that this gives some scope for interpretation such that the proposed development does not materially contravene the development plan in this regard.

11.3. Housing Mix and Tenure

11.3.1. Housing Mix

The development comprises 9 no. studio units (6%), 51 no. one-bed units (35%), 67 no. two-bed units (45%) and 20 no. three-bed units (14%). 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 Policy RES7 is 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 Housing Strategy. 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 applicant's Material Contravention Statement addresses the issue of housing mix and accepts that the proposed unit mix could be considered a material contravention of development plan policy. It is therefore open to the Board to invoke section 37(2)(b) of the Planning and Development Act 2000, if considered necessary. 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 third parties 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 houses that dominate the residential areas 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 that 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. Tenure

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 site is located in a well-established residential area that is served by public transport, immediately adjoining existing neighbourhood centre services and close to employment locations at Sallynoggin. I do not consider that there is an excessive concentration of BTR development in the vicinity such as would warrant refusal for the proposed development, notwithstanding third party concerns in relation to same. The area is generally dominated by houses with limited availability of apartments as rental accommodation. I am satisfied that the development represents an opportunity to meet local housing need at an accessible location in close proximity to employment and social infrastructure, in a compact form that would be consistent with policies and intended outcomes of current

Government policy. 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. The proposed BTR development is therefore considered to be acceptable in principle at this location.

11.4. Design and Layout, Quality of Residential Development

11.4.1. Many of the third party submissions, comments of elected members, and the CE Report state concerns about the height, massing and scale of the development and about related impacts on visual and residential amenities. Third party submissions also raise several issues in relation to the amenity of the proposed apartments, stating concerns about apartment sizes, a high proportion of single aspect units, inadequate separation distances between blocks, proximity to the public road and noise issues, lack of adequate storage space within apartments, inadequate levels of daylight and sunlight within apartments and inadequate public and communal open spaces due to overshadowing and use of roof gardens. The design and layout are considered here in terms of the quality of the proposed development, with potential impacts on residential and visual amenities, interactions with the public realm, and the issue of building height considered separately below.

11.4.2. Proposed Design and Layout

The development is laid out in four blocks as follows:

- Block A1 at the northern end of the site, facing the Glenageary Roundabout. 30 no. apartments, five storeys. Three no. ground floor commercial units, facing the Glenageary Roundabout and Sallynoggin Road, indicated on the floor plan as medical/ local services.
- Block A2 to the south of Block A1, facing Sallynoggin Road and adjacent to the entrance to the Lidl car park. 17 no. apartments, four storeys. Two no. ground floor commercial units, facing Sallynoggin Road, indicated on floor plan as café / restaurant. Roof garden open space.
- Block B1 at the southern end of the site, immediately adjoining the site boundary shared with the Lidl car park and facing the An Post sorting office. 31 no. apartments, 6-7 storeys. Roof garden open space.

- Block B2 facing the Glenageary Roundabout to the north and Glenageary Avenue to the west. 69 apartments, 7-9 storeys. Ground floor creche facing the roundabout, also ground floor reception area and management office, accessed from the central open space, and one commercial unit indicated as medical/ local services. Roof garden open space.

The vehicular access to the basement car park is located at the southwestern corner of the site, connecting to Glenageary Avenue adjacent to the An Post sorting office.

The proposed public realm comprises two plazas, (i) at the site frontage to Glenageary Roundabout and (ii) at the interface with Sallynoggin Road. The Glenageary Roundabout plaza has some soft landscaping, seating areas and visitor cycle parking. The Sallynoggin Road plaza is hardstanding with raised planters, areas of public seating and cycle parking.

There are pedestrian accesses to all sides of the development, connecting to a central courtyard. Differences in levels across the site are negotiated via ramps and steps such that all areas are accessible. There is a play area at the southern end of the site, between Block B1 and the An Post sorting office.

In terms of materiality, the development is finished in several shades of red brick with render panels, metal railings, aluminium windows and panels and areas of reconstituted stone at ground floor facades.

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. The Housing Quality Assessment and Statement of Consistency address compliance with SPPR 3 of the Apartment Guidelines, indicating that the apartment floor areas fully comply with the requirements of same, also noting that SPPR 8 (iv) states that the requirement for the majority of all apartments in a development to exceed the minimum floor area standards by a minimum of 10% does 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. I note the

concerns of the planning authority that the internal storage spaces within the apartments appear to be in the form of fitted cupboards/ shelves open to rooms, with only some storage spaces with doors, however a revised storage space design to the satisfaction of the planning authority could be required by condition if permission is granted.

All apartments have private balconies, or terraces at ground floor level, which meet the quantitative requirements of the Apartment Guidelines for minimum floor areas for private amenity space. The CE Report states some concern regarding the small size, layout and orientation and/ or aspect of a number of the balconies, noting that the balconies are inset and that the balconies for the studio units in Block B are compromised by relatively large columns. While I note these shortcomings, I accept that SPPR 8 (ii) provides that flexibility shall apply in relation to the provision of a proportion of the private amenity space associated with individual units, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the 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.

The applicant submits that 102 no. (c. 69%) of the proposed apartments are dual aspect, noting that this exceeds the objective stated in SPPR 4 of the Apartment Guidelines that there shall generally be a minimum of 50% dual aspect apartments in schemes at suburban or intermediate locations. This is contested by the planning authority, which has concerns regarding the classification of some of the apartments as dual aspect. The CE Report states:

Overall, it is considered that there are in the region of 26 apartments stated / classified as dual-aspect, but considered by the Planning Authority to be not acceptable as dual-aspect, due primarily to the small extent of window area facing a second elevation, not sufficiently canted to be considered to face another orientation,

or not considered a second elevation as the stated second elevation appears only to be the sides of an inset balcony/ bay window or similar.

Due to these issues, the planning authority considers that a total of 76 no. units are dual aspect, 51.7% of the total units. I would share these concerns, having regard to the detailed elevations and floor plans, particularly in the case of the inset balconies, which are generally not considered to result in true 'dual aspect' units. However, even if these units are omitted from the reckoning, the remaining number of dual aspect units would still exceed the requirement of SPPR 4 for 50% dual aspect units at intermediate suburban locations. Separately, I note that there are several single aspect units facing north in Block B2, ref. units nos. B2.13, B2.14, B2.24, B2.25, B2.35, B2.36, B2.44, B2.45, B2.53, B2.54 and B2.59, 11 units in total. In addition, the submitted Acoustic Assessment indicates that balconies on the north elevation of Block A2, the north and east elevations of Block A1 and the north and east elevations of Block B2 are predicted to exceed the desirable noise levels for external amenity spaces. The applicant states that there is a total of 29 no. single aspect units that face directly north, northwest or northeast. It is submitted that the single aspect units facing north will face the improved public realm at the northern site boundary and the Glenageary Roundabout, an outlook which is animated and considered representative of an amenity feature. While I would not accept that the Glenageary Roundabout could be described as an amenity feature, I do consider that the north facing units will have extensive views that would compensate for the north facing aspect, particularly at higher levels which will have views towards the sea and the Hill of Howth. I note the concerns of the planning authority regarding noise levels at north facing balconies. The Acoustic Assessment indicates that some of the external amenity noise levels on the northern and eastern sides of the development, particularly balconies, are predicted to be outside of the 'desirable external amenity levels' due to traffic noise. However, the Acoustic Assessment also indicates that projected noise levels across the majority of the site fall within the 'desirable external amenity levels' overall and that the guidance document ProPG 2017 states:

These guideline values may not be achievable in all circumstances where development might be desirable. In such a situation, development should be

designed to achieve the lowest practicable noise levels in these external amenity spaces.

The proposed single aspect north facing units are considered acceptable on this basis, noting also that the units in question generally achieve satisfactory daylight standards with regard to BRE guidance, as assessed below. I therefore consider that the proposed provision of dual aspect units is satisfactory, notwithstanding planning authority and third party concerns in relation to this issue.

The applicant's Material Contravention Statement addresses the issue of dual aspect units and states that the proposed proportion of dual aspect units could be considered a material contravention of development plan policy. However, given that the development plan allows for a relaxation of the 70% standard 'on a case-by-case basis', and that (i) daylight standards within the development are generally satisfactory, as discussed below and (ii) the proposed north facing single aspect units are also considered acceptable, the proposed development is not considered to materially contravene the development plan in this regard. However, it is open to the Board to invoke section 37(2)(b) of the Planning and Development Act 2000, if considered necessary. This matter is considered further in relation to Material Contravention below.

Many of the observer submissions refer to the issue of inadequate separation distances between apartment blocks and overlooking between apartments, with consequent impacts on their residential amenities. This matter is also raised in the CE Report. Development plan section 8.2.3.3 (iv) 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 angled 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 if permission is granted. The proposed separation distances are therefore considered acceptable in this instance, also noting again that daylight standards within apartments in the development generally achieve satisfactory daylight standards with regard to BRE guidance, as assessed below.

SPPR 5 of the Apartment Guidelines requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. While the Statement of Consistency states that the development meets this requirement, as noted in the CE Report, the submitted cross sections indicate ground floor units that do not meet this requirements, ref. drawing no. PP-GA-206. The planning authority states particular concerns in relation to this issue, noting the NC zoning and the potential that ground floor units could be converted to commercial use in the future. While I accept these concerns, I also consider that the matter could be addressed by condition if permission is granted, given that a condition requiring an increased floor-to-ceiling height would not result in an amended development to such a degree that third party rights would be compromised.

There is a maximum of 11 units per lift/ stair core as per SPPR 6, of the Apartment Guidelines, notwithstanding that SPPR 8 (v) of the Apartment Guidelines provides that the requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes.

Having regard to all of the above, I am satisfied overall that the development generally meets the quantitative requirements of the Apartment Guidelines for BTR development.

11.4.4. Residential Amenity of Ground Floor Apartments Adjacent to Basement Car Park and Lidl Car Park

The CE Report raises particular concerns about the proximity of apartment units in Block B2 to the car park access at Glenageary Avenue and apartments at Blocks A2 and B1 facing the Lidl supermarket car park. Recommended refusal reason no. 1 refers to this issue. Apartments at the eastern façade of Block B2 have living areas, habitable rooms and balconies immediately overlooking the car park access from Glenageary Avenue, with no intervening buffer or planting, etc. I consider that this would not result in satisfactory residential accommodation at ground and first floor levels, due to the noise impacts associated with the car park access. Units at upper floors would be less affected by this issue. The eastern facades of Blocks A2 and B1 abut the Lidl car park, with habitable rooms and balconies immediately adjoining parking areas. I concur with the view of the planning authority that this will result in unsatisfactory residential accommodation due to the car park outlook and noise/disruption associated with vehicular movements including supermarket deliveries. I therefore consider that this aspect of the development will not result in an acceptable standard of residential amenity for future residents of the scheme and will contravene development plan Policy UD1

11.4.5. 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 and Sunlight Assessment 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 and Sunlight Assessment 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).

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 daylighted 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 Daylight and Sunlight Assessment 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. Section 6.5 of the Daylight and Sunlight Assessment provides analysis of ADF values for all ground and first floor habitable rooms within the development, which may be summarised as follows (studio units are assessed as LKDs):

Block / Floor	No. of Rooms Tested	Rooms Compliant ADF	LKDs Tested	LKDs ADF <2%	LKDs ADF <1.5%	Bedrooms Tested	Bedrooms ADF <1%
Block A1 and A2 GF	12	9	4	0	0	8	3
Block A1 1 st Floor	16	15	7	0	0	9	1
Block A2 1 st Floor	14	13	5	0	0	9	1
Block B1 GF	17	15	5	0	0	12	2
Block B1 1 st Floor	17	17	5	0	0	12	0
Block B2 GF	14	10	6	2	0	8	2
Block B2 1 st Floor	24	23	10	0	0	14	1
Total	114	102	42	2	0	72	10

The Daylight and Sunlight Assessment provides analysis of instances where ground / first floor rooms do not meet the ADF standards and are repeated on upper floors, as well as new room types on upper floors:

Unit No.	Level	Room Type	Predicted ADF	Non- Compliant
A1.10	2 nd Floor	Bedroom	0.65%	
A1.17	3 rd Floor	Bedroom	1.05	
A2.8	2 nd Floor	Bedroom	0.94%	X
A2.13	3 rd Floor	Bedroom	1.35%	
B2.17	2 nd Floor	Studio	1.23%	X
B2.28	3 rd Floor	Studio	1.5%	X
B2.20	2 nd Floor	Bedroom	0.62%	X
B2.31	3 rd Floor	Bedroom	0.77%	X
B2.40	4 th Floor	Bedroom	1.02%	
B2.21	2 nd Floor	Studio	3.3%	
Total		10 rooms		5

I am satisfied that the above analysis represents a reasonable 'worst case scenario' assessment of daylight standards within habitable rooms at the development, given

that the ground and first floor rooms would have the lowest daylight levels and that the rooms and that the instances where ground / first floor rooms do not meet the ADF standards are also assessed for upper floors. The Block B2 ground floor LKDs that do not meet the 2% standard are at unit B2.4, a southwest facing studio unit and unit B2.5, a south facing one-bed apartment unit. In the case of B2.4, the LKD achieves an ADF of 1.93%, which is only marginally below the 2%. The LKD of unit B2.5 achieves an ADF 1.87%. Both LKDs are well above the standard of 1.5% 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.

The upper floor LKDs that do not meet the 2% ADF standard are units B2.17 and B2.28, west facing studio units at the same location on the second and third floors of Block B2. Unit B2.17 achieves an ADF of 1.23% and Unit B2.28 achieves an ADF of 1.5%. The Building Height Guidelines state that where a proposal may not be able to fully meet all the requirements of the daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out. Section 6.7 of the Apartment Guidelines also refers to cases where a development may not fully meet all of the requirements of the BRE guidance, due to design constraints associated with the site or location and the balancing of that assessment against the desirability of achieving wider planning objectives such as securing comprehensive urban regeneration and or an effective urban design and streetscape solution. The Apartment Guidelines advises planning authorities to apply discretion in such cases. While I note that the submitted Daylight and Sunlight Assessment does not include any compensatory measures in instances that do not achieve the recommended ADF values, having regard to the detailed design of these units, and noting that the side walls of both units face the balconies of apartments nos. B2.27 and B2.38, I nevertheless consider that a condition could be imposed requiring the introduction of high level and/or opaque glazing to achieve higher daylight standards within these units, which would be a satisfactory solution in this instance if permission is granted.

The above assessment indicates an overall compliance rate of c. 95% with ADF standards (including 2% ADF for LKDs). Given that it 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 generally satisfied 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. The overall level of compliance must also be balanced against achieving the wider planning objectives for this site, as outlined in the development plan, and in light of the overall desirability of achieving optimum residential density on this infill site in an established residential area with regard to national planning policy on compact urban development and in view of the performance based approach of the Apartment Guidelines.

In conclusion, I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I am satisfied that the design and layout of the development has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban regeneration of this highly accessible and serviced site within the Dublin Metropolitan Area with a positive and active urban edge, in accordance with national and local policy guidance, are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants.

11.4.6. Noise Issues

There are potential inward noise impacts on residential development at the site due to traffic noise associated with adjacent roads, particularly the Glenageary Roundabout. The application includes an Acoustic Assessment, which models traffic noise impacts at the development based on noise surveys conducted at the site on Monday 15th and Monday 22nd February 2021 and assesses inward noise impacts based on the guidance provided in the Dublin Agglomeration Noise Action Plan 2019 – 2023 and the Professional Guidance on Planning & Noise (ProPG) document (2017). Covid 19 restrictions and the effects of the lower traffic volumes on the traffic noise during the attended surveys were taken into consideration. The Acoustic Assessment uses a combination of attended and previous experience to predict the

noise levels across the site and subsequently calculate the façade requirements, in line with the guidance document “Joint Guidance on the Impact of COVID 19 on the Practicality and Reliability of Baseline Sound Level Surveying and the Provision of Sound & Noise Impact Assessments” issued by the Institute of Acoustics and Association of Noise Consultants.

The development will be designed to achieve an internal acoustic environment that meets internal target noise levels 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. The Acoustic Assessment provides details of proposed glazing and ventilation systems, wall and roof construction, that will be employed to achieve the required internal noise levels. 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. External noise levels at balconies are discussed above and are generally considered to be acceptable. While I accept on this basis that residential units within the development will generally achieve satisfactory internal noise levels overall, as discussed above I have particular concerns about residential units immediately adjacent to the basement car park access and adjoining the Lidl supermarket car park, also noise impacts on the creche due to its proximity to the Glenageary Roundabout. Noise from these specific sources is not discussed in the submitted Acoustic Assessment.

11.4.7. 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. The application includes a Building Lifecycle Report, a Sustainability and Services Report and an Operational Management Plan. The development offers the following internal services and amenity spaces, as set out in the Statement of Consistency and as further detailed in the Operational Management Plan:

Residents' Amenity Space	Sq. M.
Reception / Management Office	42.2
Private Office Space	48.4
Post / Parcel Storage (3)	50
Cinema / Media Room	52.5
Work-From-Home Pods (2)	52.6
Storage (9)	68.4
Games Room	52.5
Gym / Exercise Studio	105.8
Quiet Room (2)	108.2
Lounge / Co-Working Space (3)	227.3
Total	807.9 sq.m

The development provides a stated total of 3,109 sq.m. of public open space as follows, as set out in the Housing Quality Assessment:

Public Open Space	Sq.m.
Plaza at Sallynoggin Road	550
Plaza at Glenageary Roundabout	683
Plaza at Glenageary Avenue	176
Courtyard and associated spaces	1,700
Total	3,109 sq.m.

It also provides a stated total of 2,269 sq.m. of communal open space as follows, as set out in the Housing Quality Assessment:

Communal Open Space	Sq.m.
Block A1 / A2 roof garden	349
Block B1 roof garden	195
Block B2 roof garden	325
Courtyard and associated spaces	1,700
Total	2,569 sq.m.

Development plan section 8.2.2 sets out quantitative requirements for public/communal open space provision for apartment developments, which may be considered with regard to the subject proposal as follows:

Unit Type	No. of Units	Population	Development Plan Requirement 15 – 20 sq.m. per person
Studio	9	$9 \times 1.5 = 13.5$	
1 bed	51	$51 \times 1.5 = 76.5$	
2 bed	67	$67 \times 1.5 = 100.5$	
3 bed	20	$20 \times 3.5 = 30$	
Total	190	220.5	3,307 sq.m. to 4,410 sq.m.

The development provides a combined total of 3,978 sq.m. of public and private open space (noting that the HQA counts the 1,700 sq.m. courtyard twice), with is within the above parameters. In addition, the development plan states an absolute default minimum requirement of 10% of the total site area as open space, which is comfortably exceeded by the above provision.

The proposed communal open space provision may be considered with regard to the standards for communal amenity space provided in Appendix I of the Apartment Guidelines as follows:

Unit Type	No. of Units	Required Communal Amenity Space Provision
Studio	9	$4 \times 9 = 36$ sq.m.
1 bed	51	$5 \times 51 = 255$ sq.m.
2 bed	67	$7 \times 67 = 469$ sq.m.
3 bed	20	$9 \times 20 = 180$ sq.m.
Total	147	940 sq.m.

The development therefore provides communal open space well in excess of the requirements of the Apartment Guidelines, 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 and 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.

Having regard to the submitted floor plans, I consider that the proposed internal services and amenities are well distributed throughout the blocks such that all residents of the development will have access to same. Having regard to the detailed landscaping proposals and design statement, I consider that the ground level open spaces and roof gardens will also generally provide a satisfactory standard of amenity. While I note planning authority concerns regarding active commercial frontages to the public realm, which are considered further below, I accept that all open spaces within the development are overlooked by commercial frontages or residential units such that there is adequate passive surveillance, which should also alleviate third party concerns regarding potential anti-social behaviour at the development.

I note and agree with third party concerns regarding the safety of the proposed roof level play area at Block A2. Given that a satisfactory play area is provided at ground level, this feature may be omitted by condition if permission is granted.

Section 6.3 of the Daylight and Sunlight Assessment 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), which recommends that at least half of the amenity areas should receive at least two hours of sunlight on 21st March. The Daylight and Sunlight Assessment demonstrates that, apart from the creche play area, the external 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. In addition, the Acoustic Assessment indicates that over 90% of the roof level amenity spaces are predicted to comply with the recommended desirable external amenity noise levels. Finally, the Microclimate Assessment concludes that the development would have no significant effects with regard to microclimate and is not expected to lead to elevated wind speeds at street level.

Having regard to all of the above, I consider that the internal and external communal spaces within the development have a good standard of design and layout and will adequately serve as amenities for residents of the development and make a satisfactory contribution to the public realm of the wider area. The proposed quantitative and qualitative provision of residents' services and amenities and public /communal open space are therefore satisfactory.

11.4.8. Design and Layout, Quality of Residential Development Conclusion

Having regard to the above assessment, I consider that the development is generally in accordance with the quantitative guidance for BTR development provided in the Apartment Guidelines in terms of apartment size, open space provision and residents' services and amenities. The development is also considered to be acceptable with regard to daylight standards within apartments. Other issues arising may be addressed by condition, as discussed above. However, I have fundamental concerns regarding the location of apartment units on the eastern façade of Block B2 immediately overlooking the car park access and on the western facades of Blocks B1 and A2 immediately abutting the Lidl car park and I consider that apartments at these locations will not achieve a satisfactory standard of residential amenity and will therefore 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'.

11.5. **Visual Impacts and Interaction With the Public Realm**

- 11.5.1. Third party submissions object to the development on grounds relating to adverse visual impacts and overbearing impacts on adjacent properties, also adverse impacts on views of the wider area. The planning authority also considers that the development would have a detrimental impact on the character and visual amenities of the surrounding area and that it would be visually overbearing and incongruous within the existing east and north streetscapes. Recommended refusal reason no. 1 refers to these issues. In addition, DLRCC Transportation Planning states concerns regarding a lack of clarity around pedestrian and cycle connections and the design and layout of the set down area and basement car park access.
- 11.5.2. 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 immediate vicinity. I note the photomontage locations indicated in the Townscape and Visual Impact Assessment (TVIA). The planning authority and several third party submissions comment that the submitted photomontages do not show views of the development from Glenageary Avenue and I agree that the TVIA is deficient in this regard. In addition, the TVIA is based on a study area of c. 500m radius from the development site and I accept that, as submitted by third parties, the development may be visible for some distance in all directions, particularly given the slightly elevated location of the site relative to surrounding areas and given the height of the development. The TVIA is therefore also considered to be deficient in this respect. However, I am satisfied that the most significant visual impacts will be within 500m and that the development will read as part of the wider built environment of this established urban area in longer distance views. The following assessment is based on the submitted contiguous elevations, which include the frontages to Glenageary Avenue, the other plans, sections and elevations on file, the Architectural Design Statement, the Landscape Design Statement, my knowledge of the area, and the site inspection carried out on 31st March 2022, in addition to the submitted TVIA, photomontages and CGI's. I am satisfied that all of these allow for a comprehensive assessment of the potential visual impacts of the development, notwithstanding the above noted deficiencies in the TVIA.

- 11.5.3. As stated by all parties, the site has a prominent location at a busy junction and the development represents an opportunity to create a focal point and enhance local legibility. While I note third party concerns that the scheme would block views of the mountains and the night sky, I consider that any substantial development at the subject site would change the outlook from adjacent residential areas and the public realm. Having regard to the above discussion of density in the context of national and regional planning policy, potential visual impacts are to be balanced against the need to achieve sustainable residential development and compact urban forms, particularly at sites such as this that are located in established residential areas, with access to existing services, amenities and social infrastructure, and served by public transport, along with the contribution of the development to the urban realm at street level. The proposed development is therefore to be considered in view of the ongoing urban evolution of this part of Dublin which has, as submitted by the

applicant, included higher density developments at local focal points and at opportunity infill sites. The views from the adjoining residential areas and the interaction with the public realm at each side of the site may be considered separately as follows:

11.5.4. Sallynoggin Road and Adjoining Residential Areas

Views to the immediate west of the site are represented by TVIA viewpoints nos. V1, V2, V3 and V4. The elevations of Blocks A1 and A2 are stepped down on this side of the site, such that they present 4-5 storey facades to Sallynoggin Road. The blocks are also angled to create a public plaza at Sallynoggin Road, with hard landscaping, raised planters, public seating and cycle parking. I consider that the plaza will enhance the public realm and I note that the ground floor layouts of Blocks A1 and A2 facing the plaza contain café/ restaurant areas and commercial units that will present active frontages. I note third party concerns regarding the interaction with the established building lines at Sallynoggin Road. An angled Block A2 will project marginally forward of the building line at this location, however it will have a large, glazed café/restaurant unit on the ground floor, which will present an attractive frontage to the street in the context of the Lidl car park. I consider that this aspect of the development will enhance rather than detract from views of the development at Sallynoggin Road.

The TVIA assesses visual impacts at viewpoints nos. V1, V2, V3 and V4 as medium-high and generally Moderate, with Moderate Adverse at V3, view from Parnell Street. I generally concur with this assessment. The development will change the outlook from the residential areas to the west of the site, but this change will be moderated by the creation of a public plaza with active frontages, which will enhance the public realm, as well as the stepping down of Blocks A1 and A2 to 4-5 storey elevations at this location. I therefore consider that visual impacts at Sallynoggin Road and residential areas to the west of the site are acceptable overall. I accept, however, that the integration of the development with existing pedestrian and cycle infrastructure at Sallynoggin Road is unresolved, and that the application lacks details of the creation of necessary pedestrian infrastructure at this location. This matter is considered further below with regard to the comments of DLRCC Transportation Planning.

11.5.5. Glenageary Roundabout

The northern elevations of Blocks A1 and B2 present five and nine storey facades respectively at Glenageary Roundabout. These are the highest and most prominent elements of the development. They will make a significant impact on the character of the roundabout and on local legibility. The TVIA includes views from the immediate vicinity of the roundabout, ref. viewpoints nos. V6, V7, V8, and the view from Glenageary Road Upper to the northeast of the site, ref. V9. Views from areas further to the north would have been useful, particularly Glenageary Road Lower, as the development site is elevated relative to this location and could have significant visual impacts on approach. The TVIA assesses visual impacts at viewpoints nos. V6, V7, V8 and V9 as Slight-Moderate Beneficial. I consider that the development will have a strong presence at the roundabout, and I accept that its overall bulk has been broken down to several volumes, with varied materiality to create interest. However, given that the blocks have been stepped down to moderate impacts on visual and residential amenities to the east and west, the overall scheme does not have a distinctive frontage with a clear visual identity and instead, in my view, presents a compromised appearance to the Glenageary Roundabout.

The façades of Blocks A1 and B2 are angled to create a public plaza facing the Glenageary Roundabout, with hard and soft landscaping, pedestrian access, public seating and cycle parking. This will contribute to the public realm and help to achieve planning authority objectives to improve linkages between the established neighbourhood centre to the east of the site, with the Lidl supermarket and residential areas of Sallynoggin to the southwest. However, I note and agree with the concerns of the planning authority regarding the lack of active frontages at ground floor level facing the roundabout. Although there are commercial units on the ground floor of Block A1, these are limited to the northern and western elevations of the block while there are residential frontages to the western elevation, also facing the public realm. In addition, a large part of the ground floor of Block B2 facing the roundabout is taken up with the creche. This is problematic for several reasons, namely (i) proximity to traffic noise given the sensitivity of the use and (ii) creation of a 'dead' frontage at a highly visible part of the development. In addition, I note that the submitted Road Safety Audit (RSA) refers to several locations where there are inadequate pedestrian facilities in this area, which are unresolved in the subject

application, this matter is considered further below in the context of Movement and Transport issues.

I therefore consider that this aspect of the development would contravene development plan Policy UD3 that all development proposals, whether in established areas or in new growth nodes, should contribute positively to an enhanced public realm and should demonstrate that the highest quality in public realm is achieved.

11.5.6. Glenageary Avenue and Adjoining Residential Areas

The eastern elevations of Block B2 will present a 7-9 storey façade to Glenageary Avenue. As noted elsewhere, this visual impact is not assessed in the TVIA. I consider that the development is likely to have an adverse visual impact on the immediately adjoining residential areas at this location, given the sharp contrast in scale between the 7-9 storey Block B2 and the immediately adjacent two storey housing and single storey structure at the An Post sorting office. I consider that the six storey side elevation at the southern gable end of Block B2 is likely to be particularly prominent in views from further to the southeast. I therefore consider that the development is likely to be overbearing in views from residential areas to the immediate south and east of the site.

I accept that the public realm at Glenageary Avenue is already compromised, with the residential areas segregated from the road frontage by high walls and mature vegetation, creating a corridor effect. However, the eastern side of the development will do nothing to ameliorate this situation, being dominated by the ramp access to the basement car park and a set down area. I consider that a greater effort could have been made to provide a more attractive façade and public realm at this location, with more comprehensive hard and soft landscaping proposals and integrated pedestrian / cycle facilities such that the development would make a positive contribution to the character and identity of the area. Furthermore, DLRCC Transportation Planning states several concerns in relation to the design and layout of the set down area and car park access and their interaction with pedestrian and cycle infrastructure, as well as the creation of a traffic hazard at the interaction of the car park access and the busy An Post sorting office, which remain unresolved. These aspects of the development therefore will mitigate against any improvement of linkages between NC zoned lands, noting that the Hertz site across the road also

has the NC zoning objective. They area also considered to contravene development plan Policy UD3, as set out above.

I also note third party concerns that Block B2 projects c. 7m forward of the established building line at Glenageary Avenue. However, I consider that this particular element of the eastern façade will not be particularly visually obtrusive as it will mostly comprise glazed areas and is set well back from residential properties.

11.5.7. Visual Impacts and Interaction with the Public Realm Conclusion

The visual impacts of the development at adjacent residential areas are to be balanced against the proposed improvements to the public realm at ground level and the interaction of the development with the public realm at Sallynoggin Road, Glenageary Roundabout and Glenageary Avenue. Having regard to the above assessment, I am not convinced that the development achieves a satisfactory interaction with the surrounding existing neighbourhood centre and residential areas. 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, having regard to the matters discussed above, I consider that the development has not adequately satisfied these criteria due to the poor response to neighbouring properties, lack of contribution to the public realm and poor quality environment in parts of the development, particularly where it abuts the Lidl car park.

I also consider that, due to the scale of Block B2 and to its proximity to site boundaries, the development is likely to be overbearing in views from adjacent residential areas to the south and east, particularly at Glenageary Avenue and given the abrupt transition and lack of integration with the public realm at that location. The development is therefore 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' and development Policy UD3, which states that all development proposals should contribute positively to an enhanced public realm and should demonstrate that the highest quality in public realm design is achieved, due to these adverse impacts on visual amenities and to its lack of integration with the public realm at Glenageary Roundabout and Glenageary Avenue. In addition, I

concur with the view of the planning authority that the development will contravene the NC zoning objective 'To protect, provide for and/or improve mixed-use neighbourhood centre facilities' due to the lack of active frontages at ground floor level and to the poor quality of the interaction with the public realm at Glenageary Avenue and at the Glenageary Roundabout.

11.6. Impacts on Residential Amenities

11.6.1. Third party submissions object to the development on grounds relating to adverse impacts on residential amenities by way of overshadowing and overlooking impacts at adjacent gardens, noise and light pollution and other issues, as well as adverse impacts during construction. Refusal reason no. 1 recommended by the planning authority states that the development would be contrary to development plan section 8.3.2 (Transitional Zoned Areas) as it will seriously injure the residential amenities of properties in its immediate vicinity by reasons of being visually overbearing, incongruous and overshadowing impacts. Visual impacts are assessed above. The remaining issues may be considered separately as follows.

11.6.2. Overlooking Impacts on Residential Amenities

The nearest residential properties to the development are at Sallynoggin Road to the west and Glenageary Avenue to the east. The eastern elevations of Blocks A1 and A2 facing west are angled to avoid direct overlooking of the residential properties on the opposite side of Sallynoggin Road. On the eastern side of the site, Block B2 is at least 75 m from the nearest opposing façade on Glenageary Avenue and angled such that direct overlooking will be avoided. The glazing to the side/ southern elevation of Block B2 lights internal corridors or is secondary windows to habitable rooms only and could be obscured to prevent overlooking, this matter could be resolved by condition if permission is granted. The southern side of Block B1 is set back c. 9.7 m from the site boundary. I accept that there will generally be views of the rear gardens of adjacent residential properties from upper floors of the development, as submitted by third parties. However, these views will be from some distance and would be an inevitable result of any higher density development at the subject site. 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.

11.6.3. Daylight and Sunlight Impacts on Residential Amenities

In designing a new development, it is important to safeguard the daylight to nearby buildings. The submitted Daylight, Sunlight and Overshadowing Study considers potential effects of the development on daylight Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) at adjacent residential 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 daylight levels within the proposed apartments, 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 used these guidance documents to assist in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within an area identified for residential development/compact growth, and to increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical.

The Daylight and Sunlight Assessment considers effects on daylight Vertical Sky Component (VSC) at residential properties at 1A Parnell Street, 20 Sallynoggin Villas and 3-21 Sallynoggin Road Lower. I am satisfied that these are the residential properties most likely to experience effects on daylight and sunlight with regard to their orientation and proximity to the development.

In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a window) within a structure. 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 Daylight and Sunlight Assessment considers potential impacts against the existing baseline situation. The results of the applicant's VSC analysis at each location may be considered separately as follows.

Window	Baseline VSC	Proposed VSC	Ratio of Proposed VSC to Baseline VSC	Compliance with BRE Guidance
1A Parnell Street	37.52%	27.78%	0.74	Compliant
20 Sallynoggin Villas window a	37.76%	33.92%	0.9	Compliant
20 Sallynoggin Villas window b	39.1%	35.25%	0.9	Compliant
20 Sallynoggin Villas window c	39.11%	35.4%	0.91	Compliant
3 Sallynoggin Rd Lwr window a	38.42%	32.15%	0.84	Compliant
5 Sallynoggin Rd Lwr window a	38.39%	30.7%	0.8	Compliant
5 Sallynoggin Rd Lwr window b	38.41%	31.48%	0.82	Compliant
7 Sallynoggin Rd Lwr window a	38.36%	29.9%	0.78	Compliant
9 Sallynoggin Rd Lwr window a	38.3%	28.74%	0.75	Compliant
9 Sallynoggin Rd Lwr window b	38.33%	29.28%	0.76	Compliant
11 Sallynoggin Rd Lwr window a	38.26%	28.05%	0.73	Compliant
13 Sallynoggin Rd Lwr window a	38.15%	27.2%	0.71	Compliant
13 Sallynoggin Rd Lwr window b	38.21%	27.5%	0.72	Compliant
15 Sallynoggin Rd Lwr window a	37.61%	28.45%	0.76	Compliant
17 Sallynoggin Rd Lwr window a	37.17%	29.76%	0.8	Compliant
17 Sallynoggin Rd Lwr window b	37.42%	29.14%	0.78	Compliant
19 Sallynoggin Rd Lwr window a	36.87%	30.08%	0.82	Compliant
21 Sallynoggin Rd Lwr window a	36.01%	30.48%	0.85	Compliant
21 Sallynoggin Rd Lwr window b	36.48%	30.34%	0.83	Compliant

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

The Daylight and Sunlight Assessment also considers impacts on Annual Probable Sunlight Hours (APSH) at the above residential properties to the south and west of the development. British Standard BS 8206: Part 2:1992 recommends that interiors where the occupants expect sunlight should receive at least one quarter (25%) of

annual probable sunlight hours, including at least 5% of annual probable sunlight hours during the winter months (21st September to 21st March). If the available sunlight hours are both less than the amount given and less than 0.8 times their former value, either over the whole year or just during the winter months and reduction in sunlight across the year has a greater reduction than 4%, then the occupants of the existing building will notice the loss of sunlight. The BRE recommendations note that if a new development sits within 90° due south of any main living room window of an existing dwelling, then these should be assessed for APSH. The Daylight and Sunlight Assessment therefore calculates APSH for adjacent windows meeting the following criteria:

- The existing building has living room with a main window which faces within 90 degrees of due south.
- Existing building is located to the North, East, or West of the proposed development.
- VSC of the existing window is less than 27%.

Section 6.2 of the Daylight and Sunlight Assessment presents the following results for analysis of APSH at 19 no. windows at all of the above locations such that they all meet the relevant criteria for Annual and Winter APSH. These findings are supplemented by hourly Shadow Analysis diagrams for March 21st , June 21st and December 21st.

I note the concerns stated by third parties regarding the accuracy of the daylight and sunlight impact analysis and the lack of comprehensive shadow analysis. However, having regard to (i) the intervening separation distances; (ii) the orientation of the development relative to adjacent residential properties; (iii) 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 Daylight and Sunlight Assessment provides 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. 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.

11.6.9. Impacts on Residential Amenities Associated with Roof Gardens

I note the concerns of third parties regarding potential impacts on residential amenities associated with the proposed roof gardens, in particular overlooking and impacts from noise and anti-social activity. I consider that, if permission is granted, these issues may be addressed by conditions requiring (i) screens to obviate overlooking and (ii) a restriction on access to the roof gardens to residents of the development between the hours of 7 am and 10 pm Monday to Sunday. The later requirement may be implemented in the context of the proposed managed BTR development.

11.6.10. Public Lighting

I note third party concerns regarding potential light pollution from the development. The submitted Public Lighting Report considers light impacts on surrounding residential areas. The proposed public lighting design is based on the current British Standards for Road Lighting BS 5489-1: 2020 Class P4 and BS EN 13201. I am therefore satisfied that there will not be any adverse impacts on residential amenities of adjacent properties as a result of light spill.

11.6.11. Impact on Development Potential of An Post Site

The southern elevation of Block B2 immediately abuts the site of the An Post sorting office. The potential for overshadowing is not significant given the orientation. While there are small windows in the southern elevation of Block B2, they light internal circulation areas or are secondary windows to habitable rooms and could be fitted with obscure glazing without significant adverse impacts on internal amenity levels, thereby obviating overlooking. The roof garden can be screened to prevent overlooking and its use can be managed/limited as discussed above. The southern elevation of Block B1 is set back c. 9.7 m from the boundary, with the intervening distance occupied by play area. Given the presence of balconies and windows to habitable rooms at the southern elevation of Block B1, any development to the immediate south could have adverse impacts by way of overlooking. I accept,

therefore that the development could have some adverse impacts on the development potential of the NC zoned site to the immediate south. However, that site is currently in active use as an An Post sorting office and there is no evidence of any imminent proposals to redevelop it. Any further development proposals at adjoining sites would have to be considered on their merits as they arise.

11.6.12. Construction Impacts on Residential Amenities

Potential impacts on residential amenities during construction relate 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 Outline Construction Management Plan, which includes details of construction traffic management. 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. While I note third party concerns that the applicant does not provide adequate details of the final construction management measures, I am satisfied that the proposed Outline Constructure Management Plan includes adequate consideration of potential impacts associated with construction and that the only outstanding issues relate to the implementation of the proposed mitigation measures, rather than any assessment of impacts. Having regard to the nature, scale and location of the development and to the proposed Outline Constructure Management Plan, I am satisfied that the likely construction impacts are within an acceptable range and that the proposed construction mitigation measures will be adequate to prevent significant traffic impacts during the construction period. It is standard practice that detailed construction management would be addressed with the planning authority on an ongoing basis during construction as issues arise, which cannot be predicted at application stage.

11.6.13. Impacts on Residential Amenities Conclusion

Development plan section 8.3.2 'Transitional Zoned Areas' states:

While the zoning objectives and development management standards indicate the different uses and densities, etc. permitted in each zone, it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal

areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone. For instance, in zones abutting 'residential areas' or abutting residential development within mixed-use zones, particular attention must be paid to the use, scale and density of development proposals in order to protect the amenities of these residential properties.

Having regard to the above assessment, I do not consider that the development will significant adverse effects on residential amenities by way of overlooking, overshadowing, noise or light spill. However, having regard to the above assessment of impacts on visual amenities and interaction with the public realm, I consider that it will be overbearing when views from adjacent residential areas to the south and east, particularly at Glenageary Avenue and, given the abrupt transition and lack of integration with the public realm at that location, I concur with the view of the planning authority that the development will contravene the above policy on Transitional Zoned Areas.

11.7. Building Height

11.7.1. 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 and layout and proximity to site boundaries, 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, Appendix 9 (Building Height Strategy) and the Building Height Guidelines and related Policy UD6. The development may be considered in terms of consistency with national planning policy and with development plan policy on building height separately as follows.

11.7.2. 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 creation of urban design benefits by improved legibility at the Glenageary Roundabout.
- The creation of an improved public realm with amenities serving the wider area and improved linkages between NC zoned lands and adjacent residential areas.
- The provision of new neighbourhood centre facilities and services.
- Contribution to the promotion of higher densities at an accessible urban infill site that is served by public transport.
- The size of the site at 0.6 ha allows for a development that can set its own context.

Section 4.8.2 of the Building Height Strategy sets out 'downward modifiers'.

Downward Modifier no. 1 'Residential living conditions through overlooking, overshadowing or excessive bulk and scale' could be considered to apply in this instance. As discussed above, I consider that the development will have an adverse impact on residential and visual amenities due to the inactive frontages ground floor level, to the lack of integration with the public realm at Glenageary Avenue, and to visually overbearing impacts on residential areas to the south and east of the site. I therefore consider that 'downward modifier' no. 1 applies in this instance. 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 up to nine 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.

11.7.3. 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, TVIA, photomontages and CGIs and the Daylight and Sunlight Assessment, 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 31st March 2022.

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 has a prominent location in an established residential area that is served by public transport and 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
<ul style="list-style-type: none"> • The site is an area of undeveloped zoned and serviced lands in an established residential area. • The site has an accessible location served by several Dublin Bus routes. The application includes a Mobility Management Strategy. • The site is not immediately adjacent to any designated Architectural Conservation Areas or protected structures. The application includes an Architectural Design Statement, Landscape Design Statement and TVIA. I consider that the development will not have any significant adverse impacts on key landmarks or views. • Having regard to the above assessment of impacts on visual and residential amenities and of interactions with the public realm, I consider that the development will have a strong presence at a prominent location facing the Glenageary Roundabout and could potentially improve legibility at this location as well as making a contribution to the public realm and to the achievement of improved linkages between NC zoned lands. However, the development fails to achieve these objectives due to its compromised elevation to the Glenageary Roundabout, to the lack of active frontages at ground floor level and to the failure to integrate successfully with the public realm at Glenageary Avenue.
At the scale of the district/neighbourhood/street
<ul style="list-style-type: none"> • It is considered that, having regard to the detailed elevations and to the design and layout of the development and to the relative ground levels, that the development will have an overbearing impact on adjacent residential areas to the south and east with consequent adverse impacts on residential amenities. • The development will not integrate successfully with the public realm at Glenageary Avenue as this frontage is dominated by the access to the underground car park and a set down area and the provision of necessary pedestrian infrastructure at this location is unresolved.

- It is considered that the development will not make a positive contribution to the character and identity of the area, due to the compromised elevation to Glenageary Roundabout, to the relatively blank façade facing south at Glenageary Avenue and to the lack of provision of necessary supporting pedestrian infrastructure, as stated in the submitted Road Safety Audit.
- 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. The development is considered to be generally in accordance with the quantitative guidance for BTR development provided in the Apartment Guidelines in terms of apartment size, open space provision and residents' services and amenities. However, I have fundamental concerns regarding the location of apartment units on the eastern façade of Block B2 immediately overlooking the car park access and on the western facades of Blocks B1 and A2 immediately abutting the Lidl car park and I consider that apartments at these locations will not achieve a satisfactory standard of residential amenity.

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 and Sunlight Assessment considers 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 and Sunlight Assessment is 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.
- Landscape Design Statement
- Road Safety Audit

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

11.7.4. 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 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 successfully integrate with the existing public realm at Glenageary Avenue or present an attractive façade to the Glenageary Roundabout.

At the scale of the site/building, the south-eastern side of the development will be overbearing relative to adjacent residential properties at Glenageary Avenue, in particular due to the relatively blank south facing façade of Block B2. In addition, apartment units on the eastern façade of Block B2 immediately overlooking the car park access to Glenageary Avenue and on the western facades of Blocks B1 and A2 immediately abutting the Lidl car park will not achieve a satisfactory standard of residential amenity. The development would, therefore, be contrary to the Urban Development and Building Heights Guidelines for Planning Authorities.

11.8. Part V

11.8.1. The applicant proposes to lease 14 no. units to the planning authority on a long-term basis. The proposed units comprise four no. three bed units, six no. two bed units and three no. three bed units, all located in Blocks A2 and B1. A site layout plan indicating the units to be leased is submitted, along with costings. The report on file of DLRCC Housing Department, dated 31st January 2022, states that the Council is seeking to phase out long-term leasing of social housing, in line with recent announcements by the Department of Housing, Local Government and Heritage on Government policy, and requests an alternative Part V proposal 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.

11.9. Childcare Provision

11.10. 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 60 no. studio and one-bed units, 67 no. two-bed units and 20 no. three-bed units. This entails a maximum childcare requirement of c. 23 no. childcare places if all of the proposed two-bed units are taken into account. The proposed creche is stated to cater for 56-67 no. children and to exclusively cater for residents of the development. The development therefore exceeds the requirements of the Childcare Guidelines with regard to the quantum of childcare provision.

- 11.10.1. The Daylight and Sunlight Assessment indicates that the external play area for the creche does not achieve the BRE guidance recommendation that at least half of amenity areas should receive at least two hours of sunlight on 21st March. The creche play area would achieve 18.6% of compliance with the BRE guidance. Section 3.3 of the Childcare Guidelines indicates neighbourhood centres as suitable locations for childcare facilities:

Neighbourhood centres within a residential area provided that the premises can accommodate open space (or have easy access to a safe outdoor play area). In addition, the unit should be able to avail of ancillary parking associated with neighbourhood shops for the purposes of drop-off and collection or be close to a public transport node.

The applicant states that the proposed creche will serve residents of the development only. Notwithstanding this, I note that the site is served by public transport and that, while there is limited parking availability within the development, there is a large public car park at the Lidl supermarket immediately adjoining the site. Section 3.3.3 of the Childcare Guidelines further recommends in relation to facilities at neighbourhood centres that such premises should be capable of providing outdoor play space or have safe or easy access to a safe outdoor play area/park. Appendix I of the Childcare Guidelines, which sets out development standards, requires:

Adequate and suitable facilities for a pre-school child to play indoors and outdoors during the day are provided, having regard to the number of pre-school children attending the service, their age and the amount of time they spend in the premises.

While the play area attached to the creche will be overshadowed, the development also includes a separate communal play area, which meets the sunlight standards recommended in the BRE guidance. I therefore consider that the proposed creche is acceptable notwithstanding the overshadowed nature of its play area, given that it could also access the adjacent communal play area within the development. Such an arrangement would generally be in accordance with the requirements of the Childcare Guidelines, as set out above.

- 11.10.2. The proposed creche is considered acceptable on this basis. As discussed above, I have concerns regarding the location of the creche at the frontage of Block B2 facing the Glenageary Roundabout. In addition to the lack of interaction with the public realm, there are concerns regarding potential traffic noise and impacts on the amenities of the creche, which are not directly addressed in the submitted Acoustic Assessment. However, I accept that such matters are likely to be addressed by the proposed measures to achieve an internal acoustic environment that meets internal target noise levels with regard to the relevant standards set out above.

11.11. Movement and Transport

- 11.11.1. Third parties state concerns about potential traffic hazard at the development access to Glenageary Avenue, due to its layout and to its proximity to the access to the An Post sorting office, which is heavily trafficked by An Post vehicles and by the public. They also state concerns that the development will add to existing traffic congestion in the area, particularly at Glenageary Avenue and Sallynoggin Road, and that the proposed car parking provision is inadequate to meet parking demand generated by the residential units, creche and commercial units and will result in a significant amount of overspill parking on adjacent residential roads with a consequent traffic hazard. There are also concerns about a lack of clarity regarding pedestrian and cycle connections and the lack of a drop off area for the creche and commercial units. Many of the issues raised by third parties in relation to movement and transport issues are echoed in the report of DLRCC Transportation Planning, which states concerns regarding a lack of clarity around pedestrian and cycle connections and the design and layout of the set down area and basement car park access, as well as deficiencies in car and cycle parking provision. DLRCC Transportation Planning concludes that the development is deficient, lacks detail and

does not comply with the development plan. It therefore recommends refusal and states:

The quantity and quality of car parking provision, cycle parking provision, layout of basement and access to cycle parking are all considered to be deficient, and will, in the event of a grant, result in the provision of substandard level of residential amenity for residents, and the creation of conflicts between users in the basement, resulting in the creation of traffic hazards within the proposed development. Transportation Planning considers that these issues, at this point, are unlikely to be overcome by way of recommended planning condition ...

11.11.2. Existing and Proposed Transport Infrastructure

The site is surrounded by existing roads infrastructure, being bound by the Sallynoggin Road to the west and by the narrow roadway of Glenageary Avenue to the north and east, with the Glenageary Roundabout and the R118 beyond. There are bus stops adjacent to the site that are served by the 7 / 7A Dublin Bus route to the city centre, with buses every 30 minutes for each route. The nearest Bus Connects Core Bus Corridors are the Bray to City Centre route at the N11, c. 2 km to the south and the Blackrock to Merrion route, c. 3 km to the northwest. The nearest DART station at Glenageary is c. 1.3 km away. Glenageary Roundabout is subject to development plan Specific Local Objective SLO 160:

To facilitate, support and enhance the development of the area, both roundabouts at Killiney Shopping Centre (Graduate roundabout) and at Glenageary, to be retained, to ensure proper traffic management of the area.

The proposed layout includes a new vehicular access to Glenageary Avenue, which serves the basement car park. There is a relatively small 'drop off area' on the eastern side of the site, it is unclear whether this area is to be used to serve the ground floor commercial units or for other purposes. I note the concerns stated by DLRCC Transportation Planning as outlined above, which considers that the proposed vehicular access arrangement does not cater for pedestrian priority. Transportation Planning also considers that the layout of the set down area is deficient as it would require vehicles including refuse trucks to either reverse in or out onto Glenageary Avenue with a 6m width, obstructing the flow of traffic, this matter is highlighted in section 3.10 of the submitted RSA.

Section 3.9 of the RSA also highlights the need for parking control measures adjacent to the access to Glenageary Avenue and the sorting office access and RSA sections 3.1 and 3.2 note pedestrian desire lines at the northern site boundary facing Glenageary Roundabout, where there will be a desire to cross the R118 with minimal crossing facilities. The RSA recommends the provision of additional pedestrian facilities at these locations to address the above matters, including footpaths, crossing facilities, etc., however they are all outside the red line site boundary and, according to the DLRCC Transportation Planning, it is unclear if there has been any liaison with the local authority in relation to their provision. DLRCC Transportation Planning is therefore concerned that the omission of details of pedestrian infrastructure for the development from the application indicates an onus on the Council to carry out works to pedestrian infrastructure for the benefit of the development. Transportation Planning considers that the development is deficient in this regard and that the lack of pedestrian facilities will be detrimental to future residents of the development.

Thus, there are several issues relating to vehicular and pedestrian connections that remain unresolved in the subject application.

11.11.3. Car and Cycle Parking

The development provides a total of 113 no. car parking spaces, including five no. mobility parking spaces and 15 no. electric charging spaces, as well as five no. motorcycle spaces, a ratio of c. 0.7 spaces per apartment unit. This provision may be analysed with regard to the car parking standards set out in development plan section 8.2.4.5 as follows (based on the analysis provided by DLRCC Transportation Planning):

Lane Use	Development Plan Requirement
1 bed apt / studio	60
2 bed apt	101
3 bed apt	40
Total 147 apts	201 no. car parking spaces

The development therefore does not meet development plan car parking standards and is considered to materially contravene the development plan in this regard. The issue of car parking 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. DLRCC Transportation Planning Division considers the proposed car parking provision to be deficient and recommends a provision closer to a ratio of one car parking space per unit. I consider the quantitative provision of car parking to be acceptable noting that the site is served by public transport and is located in an established residential area where it is close to services, amenities and social infrastructure. Section 4.16 of the Apartment Guidelines states that planning authorities must consider a reduced overall car parking standard at 'intermediate' locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 units/ha. In addition, 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. The proposed car parking provision is generally considered acceptable in this context. The proposed mobility management measures are also noted in this regard.

The concerns of third parties regarding a shortage of EV charging points are noted. A condition requiring additional EV charging points may be imposed if permission is granted.

The application does not distinguish between short and long term cycle parking. The basement layout indicates 428 no. cycle spaces and there are 60 no. cycle parking spaces on 30 no. stands at surface level, distributed between six locations around the perimeter of the site. The development would require a total of 176 no. cycle parking spaces to comply with development plan cycle parking standards and a total of 328 no. cycle parking spaces to meet the quantitative requirements set out in section 4.17 of the Apartment Guidelines. The proposed quantum of cycle parking is therefore satisfactory. However, DLRCC Transportation Planning states several concerns in relation to the design of the basement car park, such that much of the

cycle parking is not accessible, also that the car park ramp is not suitable for cycle access. These matters are also raised in the applicant's RSA, ref. sections 3.5, 3.7 and 3.8. of same. While I note the serious concerns stated by DLRCC Transportation Planning, I consider that they may be addressed by a revised basement and cycle parking layout, which could be required by condition. Some reduction in the quantum of cycle parking may be necessary in order to achieve a layout and cycle parking provision to the satisfaction of DLRCC Transportation Planning Section, however this would be acceptable given that the proposed quantum of cycle parking exceeds the requirements of the Apartment Guidelines. I therefore recommend that a condition be imposed requiring the applicant to submit a revised basement layout to address the matters raised in the RSA and the report of DLRCC Transportation Planning, if permission is granted.

11.11.4. Traffic Impacts

I note third party concerns that the development will add to traffic congestion in the area. The applicant's Traffic and Transport Assessment (TTA), dated November 2021, is based on traffic surveys carried out on Thursday 27th May 2021 at the junction of the Sallynoggin Road / Glenageary Avenue and Gleneary Roundabout. I note third party concerns regarding reduced traffic during the survey period due to Covid-19 restrictions, however schools were open in May 2021 and only limited Covid-19 restrictions were in place at that time. The survey data is therefore considered to be reasonably reflective of the ongoing situation post Covid-19. The TTA considers impacts on three junctions around the Glenageary Roundabout and concludes that the development will have a negligible cumulative traffic impact on the surrounding road network. This conclusion is accepted with regard to the accessible location of the site and considering that the development will generate little additional vehicular traffic given the minimal car parking provision. I note that the submitted Outline Mobility Management Plan does not provide for a car sharing scheme at the development, however this could be required by condition if permission is granted.

11.11.5. Construction Traffic

The submitted Outline Construction 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. Moderate volumes of construction traffic are anticipated given the limited scale of the development. 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.

11.11.6. Movement and Transport Conclusion

I note the comments of third parties and the recommendation of refusal by DLRCC Transportation Planning and the serious concerns stated in relation to cycle parking provision, integration with pedestrian infrastructure outside the site, substandard basement ramp access and inadequate layout of the set down area. While I consider that the matters relating to the basement car park and ramp layout could be addressed by condition, I consider that the lack of clarity regarding pedestrian connections and the general lack of integration with existing roads, pedestrian and cycle infrastructure are reflective of the other issues discussed above in relation to poor quality of the public realm and failure to promote improved connections between the established neighbourhood centre to the north east of the site with the Lidl supermarket and adjacent residential areas to the south west.

11.12. **Drainage, Flooding and Site Services**

11.12.1. 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. While soil conditions preclude infiltration on site, the development includes SuDS measures comprising blue and green roofs, permeable paving and soft landscaping, with 60% of the total roof area proposed as green roof /planting in compliance with the green roof policy set out in development plan Appendix 16. The proposed surface water drainage system will attenuate discharge in accordance with the Greater Dublin Strategic Drainage Study. The report of DLRCC Drainage Planning, dated 28th January 2022, states that the applicant has been requested to remove an existing public surface water sewer from the site and to connect into a surface water to the south of the Lidl site, due to capacity issues downstream on the combined network. Although the applicant has

not complied with this requirement, DLRCC Drainage Planning considers that the issue may be resolved by condition. In addition, further information is required regarding the basement drainage and green roof area, however DLRCC Drainage Planning also considers that these matters could be addressed by recommended conditions, if permission is granted.

11.12.2. Third party concerns regarding potential flood impacts are noted. The Site Specific Flood Risk Assessment (SSFRA) states that the site is entirely within Flood Zone C. 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 increased risk of downstream flood impacts.

11.12.3. I note third party concerns regarding the capacity of water and foul infrastructure to cater for the development. 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. IW has issued a Statement of Design Acceptance for the development. No significant infrastructural or capacity issues are identified. The proposed foul drainage arrangements are considered satisfactory on this basis.

11.13. **Ecology**

11.13.1. Third parties state concerns that the development will result in the loss of pollinators, wildflowers and green space. The applicant's Ecological Impact Statement (EcIS), dated November 2021, is based on a site survey carried out on 14th September 2020. I am satisfied that the EcIS, along with the other documentation on file including the AA Screening Assessment and EIA Screening Report, along with my site inspection carried out on 31st March 2022, provide adequate information for a full assessment of potential ecological impacts. Potential issues pertaining to European designated sites are discussed below in relation to AA.

11.13.2. The development site is not within or immediately adjacent to any nationally designated site, such as a Natural Heritage Area (NHA) or a proposed Natural

Heritage Area (pNHA). The EclA lists the nearest nationally designated site as Dalkey Coastal Zone and Killiney Hill pNHA (site code: 1206).

11.13.3. The EclS provides details of existing habitats at the development site, which is predominantly composed of a large expanse of dry meadow habitat, with an area of artificial surfaces. There are no water courses on the site, bodies or open water or habitats which could be considered as wetlands. There are no alien invasive plant species as listed under Schedule 3 of SI no. 477 of 2011. The lands are assessed as being of low local biodiversity value overall. There is no suitable habitat for badgers, deer, otter or other large animals. There are no features on the development site suitable for bat roosting and the potential of the habitats for foraging bats is low due to the highly built up nature of the surrounding lands with no semi-natural connectivity and high levels of artificial light. No birds were noted during the survey and only very limited nesting habitat is available for common garden birds. Due to the high level of human disturbance in this area it is unlikely that habitats are utilised for nesting. The development site is not in or adjacent to a sensitive bird or bat area and so there is minimal potential for interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision of sensitive birds or bats. The lands are not suitable for regularly occurring populations of wintering/wading birds which may be associated with protected areas for nature conservation in Dublin Bay. There are no examples of habitats listed on Annex I of the Habitats Directive or records of rare or protected plants. There are no plant species listed as alien invasive as per SI 477 of 2011.

11.13.4. The EclS identifies potential impacts on habitats and species comprising:

- The removal of dry grassland habitat and artificial surfaces. These habitats are of low local biodiversity value. Their loss will result in negative impacts to plants and invertebrates which are common and widespread. New landscaping will enhance habitat on the site, and this includes native and non-native trees as well as pollinator-friendly planting.
- Pollution of water courses through the ingress of silt, oils and other toxic substances. There is no direct pathway to any watercourse from this site. The development site lies within the catchment of the Kill-o-the-Grange Stream however this is of low fisheries value and so this is, at worst, a potentially minor

negative impact. Nevertheless, best practice should be adhered to avoid pollution during construction.

- Pollution of water from foul wastewater arising from the development. Wastewater will be sent to Ringsend WWTP. Upgrade works are needed as the plant is not currently meeting its requirements under the Urban Wastewater Treatment Directive. Pollution effects are most acute in freshwater systems where the capacity for dilution is low, and the consequent risk of eutrophication is high. The Ringsend WWTP discharges into Dublin Bay which is currently classified as 'unpolluted' by the EPA despite long-running compliance issues at the plant. There is currently no evidence that non-compliance issues at the WWTP are having negative effects to features of high ecological value (e.g., wading birds or intertidal habitats). Irish Water was recently granted planning permission to undertake upgrading works on a phased basis that will address compliance issues by and expected date of 2022.
- Pollution of water from surface water run-off. Surface water will be managed during construction according to a construction management plan. A new surface water drainage system is to be installed in accordance with the GDSDS. No negative effect arising to the quantity or quality of surface run-off will occur. All surface water from the development will discharge to the public network after flowing through the proposed petrol interceptor, where hydrocarbons are removed. This will ensure that the flow leaving the site will be maintained at a 'greenfield rate' and so there can be no negative effect on the current run-off characteristics.
- Artificial lighting can result in effective habitat loss for a range of species, especially bats. This vicinity is already heavily impacted by artificial light sources while the development site is of negligible value to foraging bats. This impact is therefore neutral.
- There are no pathways for effects to occur to the Dalkey Coast and Killiney Hill pNHA and so no impact can arise to this area.

11.13.5. No significant cumulative or residual impacts are identified. The incorporation of SuDS measures will prevent any negative effect to surface water quality. SuDS are standard measures which are included in all development projects. No high

value habitats will be lost, and post-construction landscaping is predicted to offset any effect arising from the loss of grassland habitat. 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.

11.14. Material Contravention

11.14.1. The applicant's Material Contravention Statement refers to four separate grounds of material contravention comprising (i) building height; (ii) unit mix; (iii) car parking and (iv) aspect. The applicant's Statement concludes that it could reasonably be interpreted that:

- The height of the development contravenes the Building Height Strategy of the Dún Laoghaire-Rathdown County Development Plan 2016-2022.
- The proposed unit mix could be considered a material contravention of development plan section 8.2.3.3 'Apartment Development'.
- The proposed car parking provision is less than that required by the standards set out in development plan Table 8.2.3 'Residential Land Use - Car Parking Standards' and therefore could be considered a material contravention of development plan car parking standards.
- The proposed unit mix includes north facing single aspect units, while development plan section 8.2.3.3 states that north facing single aspect units will only be considered under exceptional circumstances. Therefore, the development could be considered a material contravention of development plan Section 8.2.3.3 'Apartment Development'.

I that the applicant's Material Contravention Statement does not clearly state that the development materially contravenes the development plan in relation to all of the above issues. Section 8 (1)(a) (iv) (II) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) states in relation to the Statement of Material Contravention:

(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 may 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.

11.14.2. Planning Authority and Third Party Comments on Material Contravention

Third parties submit that the development materially contravenes the development plan in relation to the contravention of the NC zoning objective and to matters of housing mix, residential density, open space, separation distances between blocks and adverse impacts on residential amenities. The CE Report submitted by Dun Laoghaire Rathdown County Council, and the refusal reasons recommended therein, state the following:

- The development will materially contravene the NC zoning objective, as it will not achieve a successful interaction with the public realm, does not contain an adequate quantum of residential development of services/facilities and will not make a satisfactory contribution to the creation of linkages between NC zoned lands to the northeast of the site and the Lidl supermarket and adjacent residential areas to the southwest.
- The development is considered to be contrary to development plan section 8.3.2 (Transitional Zoned Areas), insofar as it will seriously injure the residential amenities of properties located within its immediate vicinity by reasons of being visually overbearing, incongruous and overshadowing impacts.
- The development is considered to be contrary to Policy UD1, development plan Appendix 9 (Building Height Strategy) and related Policy UD6 by reason of its overall scale, height, massing, built form and lack of successful interaction with the public realm.

The only matter stated by the planning authority to materially contravene the development plan is that of the NC zoning objective.

11.14.3. 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.

NC Land Use Zoning Objective:

The proposed land uses are generally acceptable in principle under the NC zoning objective. The stated objective for NC zoned lands is 'To protect, provide for and/or improve mixed-use neighbourhood centre facilities'. Related development plan Policy RET6 is to encourage the provision of an appropriate mix, range and type of uses - including retail and retail services - in areas zoned objective 'NC' subject to the protection of the residential amenities of the surrounding area. The development plan does not provide detailed guidance in terms of the quantum and nature of commercial development at ground floor level, and I therefore consider that the development does not materially contravene the zoning objective in terms of the quantum of these land uses. However, I consider that the development materially contravenes the NC zoning objective and related development plan Policy RET 6 due to the high proportion of inactive frontages facing the public realm at ground floor level, particularly at the façades facing the Glenageary Roundabout and due to the poor quality of the interaction with the public realm at Glenageary Avenue. In addition, the development will not make a satisfactory contribution to the creation of new linkages between the established neighbourhood centre and NC zoned lands to the northeast of the site and the Lidl supermarket and adjacent residential areas to the southwest. I therefore consider that the development will materially contravene the NC zoning objective.

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 Board is therefore precluded from granting permission in instances where it considers that the development materially contravenes the relevant land use zoning objective.

Housing Mix:

The proposed housing mix differs from that referred to in development plan section 8.2.3.3 (iii). 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 RES 7. The applicant's Material Contravention Statement addresses the issue of housing mix and accepts that the proposed unit mix could be considered a material contravention of development plan policy. It is therefore open to the Board to invoke section 37(2)(b) of the Planning and Development Act 2000, if considered necessary.

Residential Density:

Development plan section 8.2.3.2 (ii) states that 'in general', density should be determined with reference to the Sustainable Residential Development Guidelines. I consider that this wording gives some scope for interpretation such that the proposed development does not materially contravene the development plan in relation to the matter of residential density. I also note that, while refusal reason no. 1 recommended by the planning authority refers to 'overdevelopment of the site', it does not however state that the proposed residential density would materially contravene the development plan. The applicant's Material Contravention Statement does not address the matter of residential density.

Open Space:

The above assessment of the proposed public and communal open space provision concludes that it meets the quantitative requirements of development plan section 8.2.2 and exceeds the development plan default minimum requirement of 10% of the total site area as open space. I am also satisfied that the development generally meets development plan qualitative requirements for public and communal spaces in apartment developments with regard to the submitted Architectural Design Statement, Landscape Design Statement, Daylight and Sunlight Assessment, Acoustic Assessment and to the other particulars on file. I therefore consider that the development does not materially contravene the development plan in relation to the

matter of open space provision. The applicant's Material Contravention Statement does not address the matter of open space.

Aspect:

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 that 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. The applicant's Material Contravention Statement addresses the issue of dual aspect units and states that the proposed proportion of dual aspect units could be considered a material contravention of development plan policy. However, given that the development plan allows for a relaxation of the 70% standard 'on a case-by-case basis', and that (i) daylight standards within the development are generally satisfactory and (ii) the proposed north facing single aspect units are also considered acceptable, the proposed development is not considered to materially contravene the development plan in this regard. However, it is open to the Board to invoke section 37(2)(b) of the Planning and Development Act 2000, if considered necessary.

Separation Distances:

Development plan section 8.2.3.3 (iv) requires 'acceptable separation distances' between blocks and states that a minimum clearance distance of c. 22 m. between opposing windows will normally apply in the case of apartments up to three storeys in height. Having regard to the above assessment, I consider that the wording of 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. The applicant's Material Contravention Statement does not address the matter of open space.

Policy UD1:

Having regard to the above assessment, it is considered that the proposed development would 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 visual amenities and to its lack of integration with the public realm at Glenageary Avenue and at the Glenageary Roundabout. 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.

Policy UD3:

Having regard to the above assessment, it is considered that the proposed development would contravene development plan Policy UD3, which states that all development proposals should contribute positively to an enhanced public realm and should demonstrate that the highest quality in public realm is achieved, due to its lack of integration with the public realm at Glenageary Avenue and at the area facing the Glenageary Roundabout. Policy UD3 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.

Building Height Strategy and Policy UD6:

As discussed above, I consider that the development will have an adverse impact on residential and visual amenities due to the inactive frontages ground floor level, to the lack of integration with the public realm at Glenageary Avenue, and to visually overbearing impacts on residential areas to the south and east of the site. I therefore consider that the development materially contravenes the development plan 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.

Car Parking:

The proposed car parking provision is not in accordance with the standards indicated in development plan table 8.2.3 and the development is therefore considered to materially contravene the development plan in this respect. 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.

11.14.4. Section 37(2)(b) Analysis

I shall now address the issue of material contravention with regard to the relevant legal provisions.

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):

Permission for the development should be granted having regard to guidelines under section 28 of the Act and the National Planning Framework, specifically:

- In relation to the matter of building height, SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2 of the Guidelines, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). As discussed above, it is considered that the proposed development does not conform with the development management criteria in section 3.2 of the Urban Development and Building Height Guidelines.

- In relation to car parking, housing mix and aspect, regard is had to 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.

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.

11.15. Chief Executive Report

11.15.1. My conclusions on the matters raised in the two 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 scale, height, massing and layout, and proximity to site boundaries, fails to have regard to its surrounding context and would have a detrimental impact on the character of the surrounding area. The proposal is considered to constitute overdevelopment of the site and is considered to be contrary to the Section 8.3.2 (Transitional Zoned Areas) of the Dun Laoghaire Rathdown County Development Plan 2016-2022, insofar as it will seriously injure the residential amenities of properties located within its immediate vicinity by reasons of being visually overbearing, incongruous and overshadowing impacts. Furthermore, the quantum and location of various residential units proposed at ground floor level, which include residential units fronting onto existing commercial premises on adjoining sites to the southwest, and proximate to the main basement car park entrance to the proposed development on Glenageary Avenue, would result in a poor level of residential amenities for future occupiers of the proposed development. 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 development of the area.

The proposed residential density is considered to be acceptable in principle with regard to the guidance provided for Intermediate Urban Areas in section 2.4 of the Apartment Guidelines. In addition, having regard to the above detailed consideration of the submitted Daylight and Sunlight Assessment, I do not consider that the development would have significant adverse impacts on residential amenities due to overshadowing impacts.

However, having regard to the above assessment, I concur with the view of the planning authority that the development will contravene development plan section 8.3.2, which sets out policy on Transitional Zoned Areas, with regard to the abrupt transition and lack of integration with the public realm at Glenageary Avenue, as well as its overbearing impact on adjacent residential areas to the south and east, particularly at Glenageary Avenue. 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', and Policy UD3, which states that all development proposals should contribute positively to an enhanced public realm and should demonstrate that the highest quality in public realm is achieved, due to:

- (i) the poor quality of apartment units in Block B2 close to the basement car park access and of units in Blocks B1 and A2 that immediately adjoin the Lidl car park;
- (ii) adverse impacts on visual amenities and a lack of integration with the public realm at Glenageary Roundabout and Glenageary Avenue, also the compromised nature of the façades facing the Glenageary Roundabout;
- (iii) due to the scale of Block B2 and to its proximity to site boundaries, the development is likely to be overbearing in views from adjacent residential areas to the south and east, particularly at Glenageary Avenue.

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, having regard to the matters discussed above, I consider that the development has not adequately satisfied these criteria due to the poor response to neighbouring properties, lack of contribution to the public realm and poor quality environment in parts of the development, particularly where it abuts the Lidl car park.

The development is considered to materially contravene the Building Height Strategy set as Appendix 9 of the development plan, and related Policy UD6, as it will have an adverse impact on residential and visual amenities due to the inactive frontages ground floor level, to the lack of integration with the public realm at Glenageary Avenue, and to visually overbearing impacts on residential areas to the south and east of the site, such that 'downward modifier' no. 1 applies in this instance. The assessment of building height 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 zoned Neighbourhood Centre, 'To protect, provide for and/or improve mixed-use neighbourhood centre facilities', in the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site comprises of a vacant brownfield site. The proposed development, by reason of its site configuration and limited quantum of commercial uses at ground floor, in addition to the number of residential uses proposed at ground floor level, would not provide for an acceptable level of animation of the public realm, would have a detrimental impact on the 'NC' land use zoning, vitality and character of the surrounding area, and would thereby militate against the realisation of the 'NC' land use zoning objective. The proposed development would, therefore, materially contravene the 'NC' land use zoning objective of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

I concur with the view of the planning authority that the development will contravene the NC zoning objective 'To protect, provide for and/or improve mixed-use neighbourhood centre facilities' due to the lack of active frontages at ground floor level and to the poor quality of the interaction with the public realm at Glenageary Avenue. I also consider that the development would not make a satisfactory contribution to planning authority objectives to improve linkages between the established neighbourhood centre and NC zoned lands to the north and east of the site and the Lidl supermarket and adjacent residential areas to the south and west.

11.16. Planning Assessment Conclusion

11.16.1. The proposed Build to Rent accommodation is acceptable in principle at this site with regard to the relevant 'NC' zoning objective under the Dun Laoghaire Rathdown County Development Plan 2016-2022 and to the accessible location of the site on several bus routes 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, 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 overbearing impact on residential areas to the south and east, to the compromised nature of the façades facing the Glenageary Roundabout and to the poor integration with the public realm, at Glenageary Avenue and at the Glenageary Roundabout. I therefore consider that the development would materially contravene the 'NC' zoning objective, would contravene development plan policies UD1 and UD3 and would be contrary to the Ministerial Guidelines. 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.

11.16.2. I note the recommendation of the planning authority that, if the Board decides to grant permission, a condition should be imposed requiring:

- the omission of top two floors of Block B1 such that it shall have a maximum permitted height of 4-5 storey;
- the omission of the top two set-back floors of Block B2 and
- the omission of the top four floors of the main 6-9 storey element of Block B2, such that the maximum permitted height of Block B2 is 4-5 storeys.

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 not be required by condition.

11.16.3. 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 147 no. residential units on a site with a stated area of c. 0.6 ha and is therefore well below all of the above thresholds. 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
 - EIA Screening Report
 - Architect’s Design Statement
 - Landscape Design Statement
 - Building Lifecycle Report

- Housing Quality Assessment
- Architectural Drawings
- Infrastructure Report
- Surface Water Audit
- Mobility Management Plan
- Traffic and Transport Assessment Report
- Engineering Drawings
- Microclimate Report
- Energy & Sustainability Report
- Public Lighting Report
- Photomontages and CGI's
- Townscape and Visual Impact Assessment
- Daylight and Sunlight Assessment
- Construction Environmental Management Plan
- AA Screening Report
- Ecological Impact Statement

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, as detailed in section 4.4 of the submitted EIA Screening Report:

- The AA Screening Statement and Ecological Impact Statement (EclS) report have been submitted with the application, in support of the Habitats Directive (92/43/EEC), the Birds Directive (2009/147/EC) and the Water Framework Directive (2000/60/EC)
- An Ecological Impact Statement in support of the SEA Directive (2001/42/EC).
- A Site Specific 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 (2007/60/EC)
- Acoustic Design Statement in support of the Environmental Noise Directive (2002/49/EC)

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 NC with the objective "To protect, provide for and/or improve mixed-use neighbourhood centre facilities";
- (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 dated November 2021, the site visit, the submissions of the planning authority and prescribed bodies and the documentation on file. 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 EcIA in section 11.13 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)	Qualifying Interests/ Conservation Objectives
SAC	
Glenasmole Valley SAC (001209)	<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)	<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 (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>
South Dublin Bay SAC (000210)	<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><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
Knocksink Wood SAC (000725)	<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 (<i>Cratoneurion</i>) [7220]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p>
Ballyman Glen SAC (000713)	<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 (<i>Cratoneurion</i>) [7220]</p> <p>Alkaline fens [7230]</p>
North Dublin Bay SAC (000206)	<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><i>Salicornia</i> and other annuals colonising mud and [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p>

	<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
Rockabill to Dalkey Island SAC (0003000)	<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)	<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>
Howth Head SAC (000202)	<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>
Baldoyle Bay SAC (000199)	<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><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>
Ireland's Eye SAC (002193)	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Perennial vegetation of stony banks [1220]</p>

	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
Glen of the Downs SAC (000719)	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitat, as defined by specific attributes and targets:</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p>
SPA	
Wicklow Mountains SPA (004040)	<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 (Falco columbarius) [A098]</p> <p>Peregrine (Falco peregrinus) [A103]</p>
South Dublin Bay and River Tolka Estuary SPA (004024)	<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 (Branta bernicla hrota) [A046]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Roseate Tern (Sterna dougallii) [A192]</p> <p>Common Tern (Sterna hirundo) [A193]</p> <p>Arctic Tern (Sterna paradisaea) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
North Bull Island SPA (004006)	<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 (Branta bernicla hrota) [A046]</p>

	<p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
<p>Dalkey Islands SPA</p> <p>(004172)</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>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>Howth Head Coast SPA</p> <p>(004113)</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>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p>
<p>Baldoyle Bay SPA</p> <p>(004016)</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>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p>

	Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Wetland and Waterbirds [A999]
Ireland's Eye SPA (004117)	The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA: Greylag Goose (<i>Anser anser</i>) [A043] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]

13.4.43. In addition, the mains water supply serving the development may originate at the following SPA, which therefore may be hydrologically connected to the development:

European Site (code)	Qualifying Interests/ Conservation Objectives
Poulaphouca Reservoir SPA (0004063)	The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA: Greylag Goose (<i>Anser anser</i>) [A043] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]

13.4.45. 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.

13.4.46. I consider that there is no possibility of significant effects on the following designated sites, with regard to their conservation objectives, due to intervening distances, to the nature of the intervening land uses and/or to the absence of a hydrological or any other linkage between the development and the European Site. I have therefore excluded them from the remainder of this AA screening:

- Baldoyle Bay SAC
- Baldoyle Bay SPA
- Howth Head SAC
- Howth Head Coast SPA

- Rockabill to Dalkey SAC
- Dalkey Islands SPA
- Ireland's Eye SAC
- Ireland's Eye SPA
- Glenasmole Valley SAC
- Knocksink Wood SAC
- Ballyman Glen SAC
- Wicklow Mountains SAC
- Wicklow Mountains SPA
- Bray Head SAC
- Glen of the Downs SAC
- Poulaphouca Reservoir SPA

Having regard to the significant separation distances from Natura 2000 sites, I consider that any potential for significant effects is limited to the question of surface water and wastewater emissions and their potential downstream impacts on the receiving environment in Dublin Bay. My screening assessment will therefore focus on the impact of the proposal on the conservation objectives of the Natura 2000 sites around Dublin Bay and their qualifying interests (as set out below). I am satisfied that no other European Sites fall within the possible zone of influence. I have therefore excluded them from the remainder of this AA screening.

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:

- North Dublin Bay SAC (000206)
- North Bull Island SPA (004006)

- South Dublin Bay SAC (000210)
- South Dublin Bay and River Tolka Estuary SPA (004024)

The site is entirely composed of habitats which are of low/local ecological significance. It is located in a built-up area of Dublin and is not close to any water course. The site is approximately 2.1km from the boundary of the South Dublin Bay and River Tolka estuary SPA/SAC as the crow flies and the intervening land is occupied by residential development and transport links. Because of the distance separating the two areas there is no pathway for direct loss or disturbance of habitats listed in table 1 or other semi-natural habitats that may act as ecological corridors for important species associated with the qualifying interests of the Natura 2000 sites. No habitat loss in or directly adjacent to any Natura 2000 site can arise. Habitat disturbance/Ex-situ impacts This development will not increase disturbance effects to birds in Dublin Bay given its distance from these sensitive areas. The habitats on the development site are not suitable for regularly occurring populations of wintering/wetland/wading birds which may be associated with Natura 2000 sites in Dublin Bay. This is supported by the site survey. No ex-situ impacts can arise.

Wastewater from the development will connect to the existing foul sewer network and ultimately to Ringsend WWTP prior to discharge to Dublin Bay at Poolbeg. However, the existence of these potential pathways does not necessarily mean that potential significant impacts will arise. 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 Poolbeg WWTP. The indirect pathway of surface or foul water to Poolbeg 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. 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. 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 22nd day of December 2021 by Hughes Planning and Development Consultants on behalf of Red Rock Glenageary Limited.

Proposed Development:

Permission for a strategic housing development at lands at the junction of Sallynoggin Road Lower and Glenageary Avenue, Glengeary, Co. Dublin.

The development will consist of:

1. Construction of a Build-To-Rent residential development of 147 no. apartments (9 number studio units, 51 no. one-bedroom units, 67 no. two-bedroom units and 20 no. three-bedroom units) in four blocks (ranging in height from five to nine storeys) over basement level as follows:

- Block A1 containing 30 number apartments (one studio unit, 20 number one-bedroom and nine number two-bedroom units), three no. ground floor commercial units and measuring five storeys in height;
- Block A2 containing 17 number apartments (six number one-bedroom units, 7 number two-bedroom units and four number three-bedroom units), two number ground floor commercial units and measuring four storeys in height;
- Block B1 containing 31 number apartments (19 number two-bedroom units and 12 number three-bedroom units), part-six part-seven storeys in height; and,
- Block B2 containing 69 number apartments (8 number studio units, 25 number one-bedroom units, 32 number two-bedroom units and four number three-bedroom units), a ground floor creche, one no. ground floor commercial unit, part seven, part eight and part nine storeys in height.

All apartments will have direct access to an area of private amenity space in the form of a balconies;

2. Provision of internal resident support facilities and resident services and amenities, including reception area, private office space, post / parcel storage, cinema / media room, work-from-home pods, games room, gym / exercise studio, quiet rooms and lounge / co-working space, distributed throughout the development and public and communal open spaces including public plazas at Sallynoggin Road and facing Glenageary Roundabout, roof gardens and play facilities totalling 3,978 square metres;
3. Provision of 113 number vehicular parking spaces (including five number mobility parking spaces and 15 no. electric charging spaces), five number motorcycle parking spaces and 428 no. bicycle parking spaces at basement floor level accessible via new vehicular access from Glenageary Avenue;
4. Six number commercial units (total gross floor area 493.8 square metres) located at ground floor level in Blocks A1, A2 and B2;
5. One childcare facility (201.1 square metres) located within the ground floor level of Block B2; and,

6. All ancillary works including public realm/footpath improvements, landscaping, boundary treatments, provision of internal footpaths, provision of surface level cycle parking (60 number spaces), bin storage, foul and surface water drainage, green roofs, ESB substation and all site services, site infrastructure and associated site development works necessary to facilitate the development.

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, to the limited extent of active frontages at ground floor level and to the proposed treatment of the public and communal spaces within the scheme, is considered that the development will contravene section 8.3.2 of Dun Laoghaire Rathdown County Development Plan 2016-2022, which sets out policy on Transitional Zoned Areas, with regard to the abrupt transition and lack of integration with the public realm at Glenageary Avenue, as well as its overbearing impact on adjacent residential areas to the south and east, particularly at Glenageary Avenue. The development is also 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' and Policy UD3, which states that all development proposals should contribute

positively to an enhanced public realm and should demonstrate that the highest quality in public realm is achieved, due to:

- (a) the poor quality of apartment units in Block B2 close to the basement car park access and of units in Blocks B1 and A2 that immediately adjoin the Lidl car park;
- (b) adverse impacts on visual amenities and a lack of integration with the public realm at Glenageary Roundabout and Glenageary Avenue, also the compromised nature of the façades facing the Glenageary Roundabout and
- (c) due to the scale of Block B2 and to its proximity to site boundaries, the development is likely to be overbearing in views from adjacent residential areas to the south and east, particularly at Glenageary Avenue.

The development is also considered to contravene the zoning objective NC 'To protect, provide for and/or improve mixed-use neighbourhood centre facilities' due to the lack of active frontages at ground floor level and to the poor quality of the interaction with the public realm at Glenageary Avenue, as well as its failure to make a satisfactory contribution to improved linkages between the established neighbourhood centre and NC zoned lands to the north and east of the site and the Lidl supermarket and adjacent residential areas to the south and west. With regard to these matters, it is also considered that the development would 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.

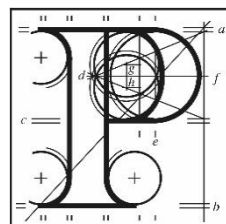
2. The proposed development fails to meet the criteria set out in 3.2 of SPPR 3 as set out within Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local

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 Glenageary Avenue and the poor quality of public realm at Glenageary Avenue and facing the Glenageary Roundabout, in addition to the poor quality of apartment units in Block B2 close to the basement car park access and of units in Blocks B1 and A2 that immediately adjoin the Lidl car park. 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

14th April 2022

ABP-312321-21 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-312321-21
Development Summary		Construction of 147 no. Build to Rent apartments 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	

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	Yes	SEA undertaken in respect of the Dun Laoghaire Rathdown County Development Plan 2016-2022. Refer to documents listed in section 12.6 of the Inspector's Report.
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the construction of residential units on lands zoned 'NC ' and is in keeping with the residential and mixed use development (existing and permitted) in the vicinity.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposal includes construction of a residential development (apartments) and associated facilities and amenities, as well as six no. commercial units and a creche, which are not considered to be out of character with the pattern of development in the surrounding area.	No

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?	Yes	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.	No
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?	Yes	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.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	<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>	No

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?	No	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.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	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.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	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.	No

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 147 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: <ul 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

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?	No		No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	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.	No
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?	No	There are no areas in the immediate vicinity which contain important resources.	No
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?	No	The site is not adjacent to any watercourse and is not at risk of flooding.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	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. Ground works and works to resolve the existing boundary walls will be subject to best practice.	No
2.7 Are there any key transport routes(e.g., 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	There are no other existing sensitive land uses or substantial community uses which could be affected by the project.	No
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3. Any other factors that should be considered which could lead to environmental impacts

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 'NC' with the objective 'To protect, provide for and/or improve mixed-use neighbourhood centre facilities' 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 Management Plan

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: 14th April 2022