



An
Bord
Pleanála

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

Inspector's Report ABP-312325-21

Strategic Housing Development

Demolition of an existing extension, construction of 493 no. apartments, creche and associated site works.

Location

St. Teresa's House (protected structure) and St. Teresa's Lodge (protected structure) Temple Hill, Monkstown, Blackrock, Co. Dublin. (www.templeroadplanning2.ie)

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Oval Target Limited.

Prescribed Bodies

Irish Water
Transport Infrastructure Ireland

The Minister for Housing, Local
Government and Heritage
Heritage Council
An Taisce
Failte Ireland
An Comhairle Ealaion
DLR Childcare Committee

Observer(s)

1. Aideen Goggin and James Nohilly
2. Aoife Thornton
3. Avondale Court Residents
4. Brid Ni Chuilinn
5. C.M. Alexander and Janice Patterson
6. Caroline Henry
7. Carolyn Gregg
8. Catherine Curran
9. Charlie Smith
10. Conor McGowan
11. Denise Kavanagh_O'Neill
12. Denise Mears Whelan
13. Eileen Gibney
14. Evelyn Healy
15. Feargal de Freine and Fiona O'Sullivan
16. Gill and John Marmelstein
17. Heather Mac Donald

18. Helen Shafe
19. Jason Taylor and Sarah Rock
20. John and Therese Gibbons
21. John Chambers
22. John Paul Comer and Maria
Chiara Leva
23. Joseph and Mary Cahill
24. Justin O'Doherty and Karen
Walsh
25. Kate and Eugene O'Rourke
26. Maedbh Moynihan
27. Mairsile Hourihane
28. Margaret and Malachi Smyth
29. Mark Mannion and Siobhan
Berkery
30. Mary Donohoe
31. Maureen Foley
32. Melissa Harrison and Martin
Pengelly Phillips
33. Michael and Siobhán
Coleman
34. Michael Faughey
35. Mr and Mrs Claes
36. Pearse and Joan O'Doherty
37. Sarah Lynn
38. Sharon and Alan Balmaine
39. The Residents of St. Vincents
Park
40. Una Ni Shuilleábhain and
John Smith

41. Victor Boyhan

Date of Site Inspection

1st April 2022

Inspector

Rachel Gleave O'Connor

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The development site, with a stated site area of c.3.9 hectares (net site development area) is located on zoned lands within the development boundary of the Blackrock LAP 2015, approximately 1.5km south of Blackrock Village centre, within the jurisdiction of Dún Laoghaire Rathdown County Council. Access to the site is via the N31 directly in front of a gate lodge, a protected structure (RPS.1960), which sits perpendicular to the N31 beyond the location of the current access gates and avenue to the site. The existing gate and avenue serves St. Teresa's House, a Victorian, two storey over basement protected structure (RPS.398) and also St. Catherine's (Daughters of Charity) and all associated structures including a Quaker cemetery located to the south of the development lands. Carmond, a single storey dwelling located on the southern side of the access avenue also forms part of the development site. Entrance Gates along the north of the site are also a protected structure (RPS.398). Demolition of more modern additions to St. Teresa's House have commenced on the site as part of asbestos clearance works.
- 2.2. To the south east the subject site is bound by the residential estate of St. Vincent's Park and to the north west by the Alzheimer Society of Ireland building and the residential estates of St. Louise's Park and Barclay Court further to the west. To the south and south west the site bounds Rockfield Park a public amenity area. To the north / north east, the site is bound by Temple Road (the N31) with 2 storey residential dwellings situated on the road opposite the site. Rockfield Public Park is located south of the development lands.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development is for 493 no. residential apartment units with residential amenities, a creche and café as follows:

- Works on a site that contain registered protected structures (RPS): St. Teresa's House (or Centre) (RPS.398) a 3 storey Victorian house; St Teresa's Lodge known as 'The Gate Lodge' a single storey property located at the main entrance to the site off Temple Hill (RPS.1960); and Entrance Gates along the north of the site (RPS.398);
- Subdivision, conversion and re-use of 'St. Teresa's House' (block H);
- The dismantling, relocation and change of use from residential to café of 'St. Teresa's Lodge' (Block G) within the site development area;
- Demolition works (total c.207sqm GFA) comprise of: (a) a single storey return (c.20sqm) along the boundary with The Alzheimer's Society of Ireland; (b) the ground floor switch room (c.24.9sqm); (c) ground floor structures northwest of St. Teresa's House (26.8sqm); (d) basement boiler room northwest of St. Teresa's House (17sqm); (e) ground floor structures northeast of St. Teresa's house (22sqm); (f) basement stores northeast of St. Teresa's house (67.8sqm); and (g) a non-original ground floor rear extension (c.28.5sqm) associated with the Gate Lodge.
- A combination of new apartment buildings (blocks A1-C2 and D1-E2);
 - Block A1 (5 storeys) comprising 37 no. apartments (33 no. 1 bed units and 4 no. 2 bed units);
 - Block B1 (10 storeys) comprising 55 no. apartments (37 no. 1 bed units, 10 no.2 bed units and 8 no. 3 bed units);
 - Block B2 (8 storeys) comprising 42 no. apartments (28 no. 1 bed units, 9 no. 2 bed units and 5 no. 3 bed units);
 - Block B3 (8 storeys) comprising 42 no. apartments (28 no. 1 bed units, 9 no. 2 bed units and 5 no. 3 bed units);
 - Block B4 (5 storeys) comprising 41 no. apartments (4 no. studio units, 4 no. 1 bed units, 27 no. 2 bed units and 6 no. 3 bed units);
 - Block C1 (3 storeys) comprising 10 no. apartments (1 no. studio units, 3 no. 1 bed units and 6 no. 2 bed units);

- Block C2 (3 storeys) comprising 6 no. apartments (2 no. 1 bed units and 4 no. 2 bed units) together with a creche facility of 392sqm at ground floor level and outdoor play area space of 302sqm;
- Block C3 (1 storey over basement level) comprising residential amenity space of 451sqm;
- Block D1 (6 storeys) comprising 134 no. apartments (12 no. studio units, 22 no. 1 bed units, 90 no. 2 bed units and 10 no. 3 bed units);
- Block E1 (6 storeys) comprising 70 no. apartment units (34 no. 1 bed units, 26 no. 2 bed units and 10 no. 3 bed units);
- Block E2 (6 storeys) comprising 50 units (1 no. studio units, 29 no. 1 bed units and 2 no. 3 bed units);
- Block H (St. Teresa's House) comprising 6 apartments (5 no. 2 bed units and 1 no. 3 bed unit), including the demolition of non-original additions and partitions, removal and relocation of existing doors, re-instatement of blocked up windows, replacement of windows, repair and refurbishment of joinery throughout and the upgrade of roof finishes and rainwater goods where appropriate;
- Each new residential unit has associated private open space in the form of a terrace / balcony;
- Relocation of St Teresa's Lodge (Block G) 180m to the south west of the development site adjacent to Rockfield Park, with deconstruction at the original location and reconstruction at the new location using original roof timbers, decorative elements and rubble stonework, with original brickwork cleaned and re-used where appropriate. A non-original extension will be demolished and a new extension added, along with change of use from residential to café;
- Creche comprising c.392sqm;
- Total open space (c.15,099.7sqm) is proposed as follows: (a) public open space (c.11,572.3sqm) in the form of a central parkland, garden link, woodland parkland (incorporating an existing folly, a tree belt; and (b)

residential communal open space (c.3,527.4sqm) in the form of entrance gardens, plazas, terraces, gardens and roof terraces for Blocks B2 and B3.

- Provision is also made for new pedestrian connections to Rockfield Park on the southern site boundary and Temple Hill along the northern site boundary;
- A total of 252 residential car parking spaces (161 at basement level and 91 at surface level);
- 1056 bicycle spaces (656 at basement level and 400 at surface level);
- 20 motorcycle spaces at basement level;
- 8 car parking spaces for the proposed creche;
- Bin storage areas, bike storage areas, ESB substations and switch rooms with a combined floor area of 356sqm at surface level;
- Works to the existing entrance to St. Teresa's, the adjoining property at 'Carmond' and residential development at St. Vincent's Park from Temple Hill (N31/R113), comprising the realignment and upgrade of the existing signalised junction and associated footpaths to provide for improved and safer vehicular access/egress to the site and improved and safer access/egress for vehicular traffic to/from the property at 'Carmond' and the adjoining residential development at St. Vincent's Park;
- Emergency vehicular access and pedestrian/cyclist access is also proposed via a secondary long established existing access point along Temple Hill. There are no works proposed to the existing gates (Protected Structure) at this location;
- Associated site and infrastructural works including provision for water services; foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works including tree protection; green roofs; boundary treatment; internal roads and footpaths; and electrical services including solar panels at roof level above Blocks A1, B1-B4, C1-C3, D1, E1, E2.

3.2. Table 3.1: Key Figures

Site Area in hectares (ha)	c.4.7ha (gross site area including public road) c.3.99ha (site development area).
No. of units	493 apartment units
Density	123 uph (gross) / 165 uph (net)
Height	1-10 storeys
Dual Aspect	52.5% dual aspect
Open Space	15,099.7sqm public open space
Part V	50 units (10%)
Vehicular Access	Temple Road (N31) / Temple Hill
Car Parking	252
Bicycle Parking	1056
Creche	392sqm
Cafe	67.4sqm

Housing Type	Studios	1 bed	2 bed	3 bed	Total
No. of Apartments	18	220	208	47	493
%	3%	45%	43%	9%	100%

3.3. Comparison to permitted SHD application (ABP ref.303804-19) on the site:

Table 3.2: Key Figures Comparison to Permitted Scheme

Permitted Scheme (SHD ABP ref.303804-19)	Proposed Development under current SHD Application (ABP ref.312325-21)
291 units	493 units

124 x 1 beds (42.6%)	18 studios (3%)
112 x 2 beds (38.4%)	220 x 1 beds (45%)
55 x 3 beds (19%)	208 x 2 beds (43%)
	47 x 3 beds (9%)
Creche 286sqm	Creche 392sqm
-	Café 67.4sqm
-	Residential Amenity 451sqm
272 car parking spaces	252 car parking spaces
666 cycle parking spaces	1056 cycle parking spaces
14,887sqm public open space	15,099.7sqm public open space
74 units per hectare (uph)	123 uph (gross) / 165 uph (net)
68% dual aspect	52.5% dual aspect

Table 3.3: Heights Comparison to Permitted Scheme

Block	Permitted (SHD ABP ref.303804- 19)	Proposed (ABP ref.312325-21)	Change
A1	4 storeys	5 storeys	+1
B1	8 storeys	10 storeys	+2
B2	6 storeys	8 storeys	+2
B3	6 storeys	8 storeys	+2
B4	5 storeys	5 storeys	-
C1	3 storeys	3 storeys	-
C2	3 storeys	3 storeys	-
C3	Omitted by ABP	1 storey over basement	+1 over basement

D1	5 storeys	6 storeys	+1
E1	2-5 storeys	6 storeys	+1 & 2 storeys
E2	2-5 storeys	6 storeys	+1 & 2 storeys
E3	Omitted by ABP	-	-
E4	4 storeys	-	-
E5	4 storeys	-	-
G (Gate Lodge)	1 storey	1 storey	-
H (St. Teresa's)	3 storeys	3 storeys	-

4.0 Planning History

- 4.1. ABP SHD 303804-19: Planning permission granted in 2019 by An Bord Pleanála for a 10 year permission for construction of 294 residential units and creche facility in buildings between 2 to 8 storeys in height. Yet to be implemented / works not yet commenced on the subject site.
- 4.2. PA Reg. Ref. no.'s D19A/0398, D20A/0199 and D21A/0043: Retention permissions relating to the storage of cars on the subject site.
- 4.3. PA Reg. Ref. D18A/ 0954: Planning permission for the construction of a new entrance gateway at the entrance, consisting of 2 no. 2.1m high granite clad piers, each with the words 'Daughters of Charity' engraved thereon, a pair of 1.8m high single painted steel pedestrian gate and matching painted steel railings over a granite clad plinth wall, all with ancillary controls. The gateway will be across the existing entrance drive, inside the boundary with the adjoining property, St Teresa's House (also a Protected Structure).

5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicants and the planning authority took place via video call with An Bord Pleanála on 30th April 2021 in respect of a proposed development of 500 no. residential units.

5.2. Copies of the record of the meeting and the inspector's report are on this file. In the Notice of Pre-Application Consultation Opinion dated June 2021 ABP Ref. ABP-309696-21) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. It was noted that further consideration/amendment or justification of the following: (1) Design Strategy (interface with The Alzheimer Society / Temple Hill road / Rockfield Park / St. Teresa's House; consideration of Building Height Guidelines; landscaping; and layout); (2) Residential Amenities (adjoining residential properties and The Alzheimer Society and details of mitigation); (3) Architectural, Cultural Heritage and Conservation Considerations.

5.3. Specific information was also requested, summarised as follows:

- Housing quality assessment;
- Car parking strategy and response to DLR Transportation Planning;
- Wind micro-climatic study;
- Ecological Impact Assessment;
- Archaeological Impact Assessment;
- Tree Survey and Arboricultural Assessment;
- Landscape Impact Assessment and Visual Impact Assessment;
- Taken in charge plan;
- Response to PA opinion;
- Draft Construction Waste Management Plan, draft Construction and Environmental Management Plan and draft Operational Waste Management Plan;
- Material Contravention Statement if relevant.

Applicant's Statement

5.4. The applicant includes a statement of response to the pre-application consultation (Statement of Response to ABP's Opinion ref.ABP-309696-21), as provided for

under section 8(1)(iv) of the Act of 2016, which includes a description of how the application responds to each of the above specific items, including identification of specific documentation submitted where relevant.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. The National Planning Framework 'Project Ireland 2040' addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- National Policy Objective 4: 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.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density 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.
- National Policy Objective 57: Enhance water quality and resource management by ... ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance

with The Planning System and Flood Risk Management Guidelines for Planning Authorities.

6.1.2. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission 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 (2009) (the ‘Sustainable Residential Development Guidelines’).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the ‘Apartment Guidelines’).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Architectural Heritage Protection- Guidelines for Planning Authorities (2011).
- Childcare Facilities – Guidelines for Planning Authorities (2001)

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Housing for All – a New Housing Plan for Ireland 2021.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.2. **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMR)**

6.2.1. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- 6.2.2. The site is located with the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to consolidate the development of Dublin city and suburbs. Of particular relevance is RPO 5.5.
- 6.2.3. RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

6.3. Local Planning Policy

- 6.3.1. The Dún Laoghaire Rathdown Development Plan 2016 – 2022 is the operative development plan.
- The site is zoned under Land Use Zoning objective 'A' with an objective 'to protect and / or improve residential amenity'.
 - The southern portion of the site is zoned under Land Use Zoning Objective 'F' with an objective to preserve and provide for open space with ancillary active recreational amenities.
 - The lands associated St. Teresa's have 'Institutional Lands' designation with 'an objective "to protect and / or provide for institutional use in open lands"'.
 - There is an objective to protect and preserve Trees and Woodlands
 - St. Teresa's House, St. Teresa's Gate Lodge and entrance gates are protected structures (Ref. 398).
- 6.3.2. Chapter 2 of the Plan notes that the Council is required to deliver 30,800 units over the period 2014-2022. Figure 1.3 of the Plan indicates that there are approx. 410 ha of serviced land available which could yield 18,000 residential units.
- 6.3.3. Section 1.2.5 of the Plan states 'in addition to the major parcels of zoned development land above, the ongoing incremental infill and densification of the existing urban area will generate, overtime and on a cumulative basis, relatively significant house numbers'.
- 6.3.4. Policy RES5: Institutional Lands states that where distinct parcels of lands are in institutional use (such as education, residential or other such uses) and are proposed for redevelopment, it is Council policy to retain the open character and/or recreational amenity of these lands wherever possible, subject to the context of the quantity of provision of existing open space in the general environs.

- 6.3.5. Standards with respect to development in Intuitional lands are described in section 8.2.3.4(xi) of the Development Plan and with respect to open space in Institutional Lands in section 8.2.8.2.
- 6.3.6. Section 4.1.1.2 states the Councils obligations in relation to Appropriate Assessment and the determination of significant effects on the integrity of Natura 2000 sites.
- 6.3.7. Policy LHB20 Habitats Directive states that it is Council policy to ensure protection of natural heritage and biodiversity, including European sites that form part of the Natura 2000 network.
- 6.3.8. Section 6 of the plan concerns the Built Heritage Strategy for the county, and policies of specific interest (but not limited to) include: Policy AR1: Record of Protected Structures, and Policy AR5: Buildings of Heritage Interest.
- 6.3.9. Other policies of interest are highlighted below, but should not be taken as an exhaustive list:
- 6.3.10. The policy chapters, especially Chapter 2 -Sustainable Communities Strategy detail the policies and objectives for new residential development and should be consulted to inform any proposed residential development. Chapter 8 deals with Principles of Development and describes the urban design standards for development. Section 8.3.2 Transitional Zonal Areas states that in dealing with development proposals in 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 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 residential properties.
- 6.3.11. 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'.
- 6.3.12. Chapter 5: Physical Infrastructure, Appendix 9: Building Height Strategy, Policy RES3: Residential Density, RES7: Overall Housing Mix, Policy RES8: Social Housing, Policy SIC11: Childcare Facilities, Policy UD1: Urban Design Principles, Policy UD2: Design Statements, Policy UD3: Public Realm Design and Section 8.2.3: Residential Development are also considered relevant.

6.3.13. Blackrock Local Area Plan (LAP)

6.3.14. The subject site is located within the boundary of the Blackrock LAP 2015-2021, extended to 2025, and the site is subject to a site framework strategy set out in detail in section 3.5.1 of the plan, objectives are described for the site in relation to height, density, housing mix, heritage, open space, movement and specific objectives. Objectives are also described specifically in relation to the protection of heritage features on the site in chapter 2 of the LAP.

7.0 **Statement of Consistency**

7.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of National Planning Framework, Section 28 Guidelines and the Development Plan and I have had regard to same. A Statement of Material Contravention also accompanies the application, relating to building height, residential mix, residential density, trees, transitional policy, protected structure and St. Teresa's Lodge and institutional designation and open space. The submitted statement states that these aspects of the proposal may be considered to materially contravene the following objectives in the Dún Laoghaire Rathdown Development Plan (DP) 2016-2022 and/or Blackrock Local Area Plan (LAP) 2015 as follows:

1. **Building Height:** Objectives and policies in the LAP restrict building height on the subject site, the submitted statement references policies BK05, SH1, SH2, DS1 and DS2; as well as Map 12 of the LAP which gives a 'proposed building height limit' of 3, 4 and 5 storeys over specific areas of the subject site. The DP also includes policy UD6 and associated Building Height Strategy at appendix 9. The proposed development includes heights up to 10 storeys.
2. **Residential Mix:** Objectives and policies are included in the LAP in relation to residential mix, the submitted statement references DS4, BK14 and H2, including the need for a mix of houses and apartments. The DP also includes section 8.2.3.3(iii) states percentages to be applied with respect to the quantum of different size units in schemes. This is noted to be superseded by the mix percentage breakdown set out in Apartment Guidelines 2015 in

Chapter 8. The proposed development is formed of 100% apartment units, of which 4% are studios, 44% are 1 beds, 42% are 2 beds and 47% are 3 beds.

3. Residential Density: Objectives and policies are included in the LAP in relation to residential density, the submitted statement references BK04, DN1, DN2, DN3, DN4, DS3. The DP also includes policy RES3 and section 8.2.3.2 with respect to density. Densities of between 45-55 units per hectare are envisaged for the site. The proposed development has a density of 165 units per hectare.
4. Trees: Objectives and policies are included in the LAP in relation to protection and preservation of trees, the submitted statement references Design Principle 4, DS6 and DS12. Tree protection symbols are also included on the subject site area in the land zoning map and there is an objective to protect and preserve trees and woodlands on the site under the DP. The proposed development includes the removal of 78 no. trees from the site.
5. Transition Policy: Section 8.3.2 of the DP relates to transitional zonal areas. The subject site is zoned objective A and is proximate to an area of zoned open space. Proposed buildings range in height between 1 and 10 storeys.
6. Protected Structure and St. Teresa's Lodge: The LAP contains a number of objectives relating to protected structures, the submitted statement references Design Principle 2, DS2, DS10, PS1, PS2, PS4, PS5, PS6, PS8, D11 and D12. The DP also includes AR1 and AR5. Policies and objectives relate to the preservation, protection and retention of protected structures. The proposed development includes the dismantling and relocation of the Gate Lodge (protected structure) within the site.
7. Institutional Designation and Open Space Provision: The zoning map identifies the site as being covered by an 'INST' objective 'To protect and/or provide for industrial use in open lands', under the DP. Policy RES5 in the DP describes minimum open space provision of 25% of the total area or population based equivalent with reference to section 8.2.8.2 of the plan, whichever is the greater. Considerations of alternative use, density and masterplan are also set out in RES5. The proposed development provides for 15,099.7sqm of open space, broken down as 11,572.3sqm public open space

and 3,527.4sqm communal, equating to 17.9sqm per person. This does not meet the minimum open space quantum on a population basis under the plan.

8.0 Third Party Submissions

8.1. 41 no. responses were received from third parties in relation to the application and the main matters raised are summarised below:

8.2. General, nature, principal of the development

- More attention must be paid to the Development and Local Area Plans to acknowledge and include the democratically expressed wishes of the existing residents in the area.
- Disregard for the Blackrock Local Area Plan, DLR County Development Plan and DoECLG Sustainable Urban Housing Design Standards for New Apartments.
- The address given for the proposed development is incorrect and misleading in referring to 'Monkstown'.

8.3. Transport

- Concern that extra capacity in apartments will gravely impact the local area traffic.
- The DART, bus and dual carriageway are at maximum capacity during peak hours.
- Severe congestion on the Blackrock bypass/Rock Road. Traffic to and from Dun Laoghaire, Dalkey and Killiney is already bumper to bumper at weekends and during summer months.
- Consequent increases in traffic and congestion will cause vehicle fuel emissions and air pollution.
- Lack of parking. DLR pre-application opinion stated lack of support for proposed parking, and the proposal will lead to overspill car parking in the surrounding area. Difficulties for emergency vehicles accessing streets as a result. No mention of long-term parking for staff or visitors. Parking doesn't conform with DoECLG 2015 apartment guidelines for 1 space per apartment.

- ABP's own Inspector found car parking level to be unacceptable and stated a rate of 1.1 per apartment unit should be provided (ref.ABP-309696-21). CSO 2016 census gives the county a figure of 1.25 cars per household.
- Traffic counts in submitted report invalid as undertaken during lockdown. Traffic assessment describes St. Vincent's Park as comprising approximately 30 dwellings, this is incorrect and there are 40 dwellings.
- Several risks are identified in the submitted Safety and Quality Audit.
- Lack of provision of safe access for vehicles exiting St. Vincent's Park to the main junction with Temple Road/Temple Hill. St. Vincent's Park should be incorporated into the traffic light sequence and given a separate timed exist through the junction as well as providing a yellow box. Pedestrian safety and crossing needs to be incorporated into the junction.
- The proposal to create a large junction at the location of the protected structure St Teresa's Lodge should be revised, as there is a large gated area at Temple Road (opposite Frank Keane BMW) which is an ideal entry and exit from the site.
- Where is the location of the bus stop as referenced in condition no.7 of ABP permission ref.ABP-303804-19.
- Need to improve crossing facilities immediately adjacent to the site on Temple Road.
- The plans to limit the Rock Road to Deansgrange as a one way/cycle route will reduce the traffic movement even more than the current situation. If the proposed junction changes allowed access to the new development as a one way system and a new road design was generated to allow traffic exit the scheme in the direction of the city, this would reduce the impact on traffic flow.

8.4. Design, height, scale, density and visual impact

- The proposed development contravenes the height limits in the DLR Blackrock LAP, with height almost 3 times the limit. Overbearing and contextually inappropriate.

- Previously the Planning Authority requested a reduction in height to the scheme in 2019 and request the board take this into account.
- Proposed 8 and 10 storey apartment blocks will significantly differ from surroundings and be out of character.
- Proposed row of 7-10 storey buildings on Temple Road will result in a canyon like street.
- There is no urban design or planning justification for the proposed building heights. Building B1 does not act as a gateway or landmark. The gateway to the village is defined by Blackrock Church and Temple House to the west.
- Proposed development will dominate the area.
- Removal of parks boundary wall is unnecessary and will enable developers to market the public park as an extension of the developments own limited parkland. Also results in loss of trees. Defined boundaries are beneficial for dogs and children, older people etc.
- Adverse visual effect on Rockfield Park from tall buildings.
- Density is over that set out in the LAP and Development Plan.
- Massing and height should be concentrated in the centre of the site, rather than to the edges, where existing residents are situated.
- Proposed 1.8m high boundary fencing along Temple Road reduces open character of the development, reinforces levels of segregation from community and the dominant nature of vehicle movements. These are increased from boundary treatment shown in approved scheme. Gated pedestrian access is indicated in the drawings.
- Fails to meet open space requirements under the plan.
- Proposal represents overdevelopment of the site.
- Site is located on higher ground than properties opposite on Temple Road, exacerbating the proposed scale.
- The submitted application has not addressed concerns raised at pre-application stage.

- The proposal fails to maintain openness through the development from Temple Road, fails to offer a generous frontage, contrary to LAP objectives for the site.
- The site is not have a special building height or density designation under the draft DLRC Development Plan 2022-2048.
- The proposal fails to offer an acceptable transition from low density at no.70 Temple Road to higher density. The proposed set backs are insufficient to mitigate the negative impacts.
- The cumulative height, scale, bulk, massing of the scheme is overbearing on Temple Road and properties opposite the site. Creates a monolithic canyon.
- Submission fails to demonstrate compliance with building height criteria in the Development Plan and national Building Height Guidelines, as well as Urban Design Manual – A Best Practice Guide.
- Insufficient visuals/photomontages/CGI images submitted, to assess context with properties opposite on Temple Road.
- Submitted LVIA does not assess impact upon individual properties. The LVIA doesn't conform with the guidelines for landscape and visual impact assessment. The number of people impacted is not identified and impact from gardens not assessed. Occupiers opposite the site should be considered visual receptors, reference to section 6.36 of the guidelines. Conclusions are not evidence based or credible.

8.5. Built Heritage

- Concern regarding relocation of the gate lodge as a protected structure.
- The issue of curtilage protected structure has not been adequately addressed by the applicant.
- Views of the protected structure should be maintained.
- Reference to para.12.11.2 and section 11.4.1 architectural heritage – protected structures in the Development Plan.

- Works impacting protected structures should have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities.'
- Reference to guidance from the International Council on Monuments and Sites.
- Reference to the Building Height Guidelines and protection of heritage.
- The proposed development fails to be sympathetic to the Protected Structures and the Gate Lodge on site or to protect the distinctive character and curtilage or the immediate area.
- The Gate Lodge should be repositioned at the period sets of gates on the main road Templehill (sic), therefore ensuring visibility and a recommendation of the lodge with its original set of gates.
- Cumulative building height alongside the protected structure is excessive. The proposed 10 storey buildings are approximately the same distance from the protected structure as the proposed 3 storey buildings.

8.6. Amenity

- The development will overlook bungalows and 2 storey residential houses and a small local park.
- Undue visual intrusion and overlooking. Adverse visual amenity impact.
- Fails to provide adequate public and/or private open space for the size of development.
- Reference to the definition of dual aspect apartments at 2.3.5.1, separation at 12.3.5.2, of Development Plan.
- Overreliance on BRE guidance in relation to daylight and sunlight impact which are not suitable for use in this instance. Lack of overshadowing diagrams.
- Specific adverse amenity impacts upon no.70 Temple Road opposite the site. No.70 uses front garden as a main amenity space due to southerly aspect. Individual assessment of overshadowing impact upon no.70 provided using www.suncalc.org.

- Applicant's Design Statement describes views and vistas over properties opposite, but also argues no overlooking results.
- Overlooking. Including from balconies and terraces.
- Overshadowing.
- Single aspect residential units are not satisfactory.
- Carmond water supply is connected to adjacent property. Unclear what the proposals are for Carmond.
- Creation of new side road adjacent to existing property will increase noise.
- Scale of the street wall (buildings) along Temple Road will create a canyon like effect that will exacerbate air pollution and noise problems, as well as create shadow.
- The additional height will severely affect the level of daylight and sunlight to homes in Temple Road, Barclay Court and St. Louise's Park, due to the southerly aspect of the proposed blocks in relation to existing properties, resulting in unacceptable overshadowing.
- The submitted study has omitted a number of windows along Temple Road, including (but not limited to) downstairs windows to no.'s 70, 72 and 78 Temple Road.
- The submitted report repeats analysis for March 21st, June 21st and December 21st, but omits September 21st.
- For six months of the year, the front of houses on Temple Road will be totally overshadowed from midday in December and from 4pm both in September and March.
- The impact upon daylight of adjacent occupiers is at the limit of acceptability and will be noticed during the day.
- Concern regarding loss of sunlight as demonstrated in submitted APSH analysis.
- Request blocks are moved back from Temple Road by 10m to reduce the impact on adjacent occupiers and create green space.

- Adverse impact upon the travelling community in St. Louise Park.
- Air Pollution.
- Negative impact upon users of the park by way of visual intrusion of the development.
- Proposal doesn't conform with the 2015 Apartment Guidelines in terms of mix or parking or unit size or recycling facilities.
- Removal in mature trees and shrubs will increase noise levels in the area as they create an acoustic barrier to the busy N31, as well as a visual barrier, reducing privacy to residents of St. Vincent's Park.
- Existing trees will offer no screening and/or any visual mitigation from the negative impacts of the proposed development on properties opposite on Temple Road as trees all removed.
- Proposed tree planting is insufficient and will not provide any screening given the scale of the proposal.
- Floor plans don't allow for cross ventilation. Reducing number of cores to maximise number of units. No provision for passive drying of clothes.

8.7. Construction

- Increase in noise and vibrations, dust, mud and litter as well as blockage of rain-water drains during construction. Disruption to residents peaceful enjoyment. Disruption to elderly residents and those working from home.
- Disruption to traffic during construction.
- Construction hours should conform to DLR standards (8.00-19.00).
- Duration of the project should be reduced in consideration of impact on the quality of life for those living in the area while works are in progress.

8.8. Ecology and biodiversity

- Concern with the excess removal of specimen and rare trees from the site, and mature trees and hedgerow from Temple Road.
- Disregard for the provision for the protection of trees, shrubs and hedgerows in the LAP and Development Plan.

- Request condition that all trees and hedgerows within and on the boundaries of the site be retained and maintained as per the 2019 consent.
- Removal of trees and hedgerows notwithstanding retention of some trees, diminishes crucial wildlife habitat in a densely populated suburban area with minimal undisturbed land for wildlife growth and survival.
- Potential disturbance to wildlife, including birds, foxes, badgers and bats.
- Submitted report acknowledges a significant negative effect on the bat population.
- Artificial light is a problem for bats.

8.9. Infrastructure

- Blackrock is well served by schools, sports facilities and other public amenities, however many are at capacity or oversubscribed.
- Impact upon existing social supports, public amenities and green areas as a result of the proposed increase in population in the area, alongside growth associated with other development in the area.
- Most creches and schools in the area are at capacity and operating waiting lists.
- Contact made with Guardian Angels National School, Craysfort National School, Oatlands College, Newpark Comprehensive School, Scoil Lorcáin, Holly Park National School, Coláiste Eoin and Coláiste Íosagáin to demonstrate these schools are at capacity / operating waiting lists.
- Doctors surgeries are unable to take on new patients in the area.
- Inaccurate to think 2 beds will not accommodate families in the current housing climate, therefore child yield will be greater than suggested in the application.
- Concern regarding impact of additional 1000+ - 1350+ residents on existing small park and sporting facilities.
- Sewage treatment plant is operating at capacity.

- Inadequate consideration of impact upon infrastructure, including cumulative impact of developer on Europa Motors, former Peugeot Showrooms on Merrion Road, former grounds of Blackrock College on Cross Avenue, Chesterfield on Cross Avenue/Merrion Avenue, The butter yard apartments on Newtownpark Avenue, apartments in the Frascati shopping centre and development in Deansgrange.
- Water supply is unstable especially in drought periods when excessive chlorination makes it virtually undrinkable and exacerbates problems for those with an allergic reaction.
- Development is proposed based on planned transport infrastructure rather than existing transport infrastructure. Planned improvements (dart+) are an acknowledgment that existing capacity is deficient. Documents refer to proposed bus corridors.
- Failure to address how the development will impact school capacity in the area.
- No indication of ownership model for creche, whether community or for profit.

8.10. Mix

- 50% of the scheme being studio or 1 bed is not appropriate for the location.
- Housing should encourage intergenerational living and meet the needs of families and those locals that wish to downsize and free up family homes.
- Proposed mix is not conducive to the building of a stable long-term community in the area.
- Concern units will be purchased by professional landowners and used as Airbnb or short term rentals rather than owner occupied.
- Downsizers don't want studios or one beds, or to live in large apartment complexes.
- Proposed studios and one beds not suitable for working from home.
- High-rise, high-density apartment blocks are not conducive to long-term communities, or a fluid, flexible and healthy property market.

- Build-to-rent does not provide for sustainable development of the area.
- The proposed on-site working hub is insufficient in size to adequately serve the residents of the development.

8.11. Material Contravention

- The scale, density and building height to the proposed development is a material contravention of the LAP and Development Plan.
- No proper justification is provided for the material contravention of the County Development Plan and the LAP. Lands do not constitute a brownfield site but an accessible urban infill location.
- The draft DLR Development Plan 2022 confirms that it is not DLRCC's intention to allow higher density developments, such as that proposed in the current SHD, to impact negatively on existing residential amenities and established character. The applicant can no longer argue that there is a contradiction between local and national planning policies such that additional building height is justified.
- The proposed density and height contravenes DS4 of the LAP.
- The proposal is a material contravention and contradiction of the draft DLRC Development Plan 2022-2028.

8.12. Other

- Concerns about fire safety. Dublin Fire Brigade reports not having training or equipment to tackle blazes in high-rise buildings.
- Very little added social benefit offered in return for the material increase in density and developer profit margins.
- Reports are unreliable. Previous application Inspector noted that Drainage Planning raised discrepancies in figures submitted.
- Proposed development will devalue homes in the area as a result of visual obtrusiveness.
- The proposed development will set poor precedents in terms of replacing existing consent, allowing monolithic development, excessive density on INST

lands, allowing exceedance of draft Development Plan height strategy and replacing a good mix of housing with large numbers of studios, 1 and 2 beds, with less 3 beds.

- 8.13. Enclosures: Signatures of residents 1-40 St Vincent's Park in objection to the application; Extract of site layout plan for proposal with bus connects plans for altered roadway arrangements and relocated bus stop and aerial view to indicate bus stop location; Extracts of CGIs / visuals from the application submission; Extract of breezometer.com/air-quality-map/air-quality/exposure showing particulate matter along Temple Road over the last month, and that this exceeds WHO guideline levels; Extract of DLRCC noise mapping to demonstrate excess noise from traffic in the area; Extract of boundary drawings from application; Extract of application drawings indicating gated pedestrian access to the development from Temple Road; Extract of application height site plan showing location of Barclay Court, Extract from DLR Blackrock Local Area Plan Map 12 showing height limits; Diagrams illustrating the relationship of the proposed site to property on Temple Hill; Photos of the existing streetscape; Photographs of the application site taken from no.70 Temple Road.

9.0 Planning Authority Submission

- 9.1. Dún 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). 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:
- 9.2. Principle of Development
- 9.3. Although the Planning Authority is generally satisfied that a higher density of development can be successfully absorbed at this location given the planning history of the site, its overall size and its location in the context of existing public transport options, the site is located in an established residential area and has a number of sensitive interfaces.
- 9.4. The Planning Authority note that the requirement for a masterplan (attached to INST lands) to be prepared for the site is not strictly applicable in this instance as a site

framework strategy exists under the LAP. However, the Planning Authority has significant concerns with the proposal in its current form, with respect to the layout and footprint of a number of blocks and the increase in height proposed across the development site.

- 9.5. The development generates an open space requirement (based on population) of between 12,502.5-16,670sqm, which equates to 15-20sqm per person. The proposed development provides a total of 15,0997sqm / 17.9sqm pp and therefore does not meet his requirement. The Planning Authority note that the extant planning permission on the site satisfied the current County Development Plan requirement with respect to Institutional Lands. The current proposal fails to accord with the site framework strategy for the lands and is contrary to section 8.2.3.4(xi) of the Development Plan.
- 9.6. The Planning Authority is not satisfied that the childcare provision is sufficient to cater for a development of this scale. The applicant should not apply the 50% provision under the childcare guidelines, as this is not included in the Apartment Guidelines, which only allows for the discounting of studios and 1 beds. Proposal is therefore contrary to DS17 of the Blackrock LAP.
- 9.7. The Planning Authority is generally satisfied that the proposed café use is appropriate in the context of the applicable zoning designation and the future utilisation of the Protected Structure. Although the principle of the use is accepted, the Conservation Officer has raised concerns with the proposed relocation of the Gate Lodge.
- 9.8. Residential Density
- 9.9. The Planning Authority accepts the site is suitable for higher density but has significant concerns regarding the height and form of a number of blocks within the proposed development which are considered to be contrary to the policies of the LAP, have the potential to adversely impact the residential amenity of residents within the surrounds and will negatively impact on the architectural character of the site and surrounds.
- 9.10. Residential Mix

- 9.11. The revised proposal fails to have regard to Objective DS4 of the Blackrock LAP, given the omission of own door residents which formed an integral element of the extant permission. It is not evident from the plans, that the units described as own door by the applicant, will actually have own door access.
- 9.12. Building Heights
- 9.13. Each block in the proposed scheme exceeds the maximum building heights as prescribed in Map 12 of the Blackrock LAP.
- 9.14. Block A1: Given the setback of this building from the western site boundary and the modifications to the design of this block, the Planning Authority is generally satisfied that the additional level of accommodation can be absorbed at this location.
- 9.15. Blocks B1-B3: It is considered that Blocks B1-B4 had reached an optimum balance in meeting the Site Framework Objectives in the LAP in the previous iteration. It is considered that the proposal now before the Board has lost this balance and will be unduly overbearing relative to the width of Temple Hill and the two-storey dwellings opposite due to the additional height now proposed and the non-orthogonal layout of these blocks relative to Temple Hill. The increase in height and the modifications to the layout of these Blocks also has the potential to impact on the setting of St. Teresa's House when viewed from the south. The transition in height between Block A1 and B1 is inappropriate and fails to provide a coherent streetscape rhythm. This impact is compounded by the topography of the site. The Planning Authority have significant concerns regarding the impact of the proposal on 'significant views' as identified in the Newtown Villas ACA 'Character Appraisal', whereby block B1 in particular will project above the roofscape of the properties on Newtown Villas, having an adverse impact on the character and setting of the ACA.
- 9.16. Block B4: The form, design and overall footprint of the block has been modified and the loss of significant landscaping within the north-eastern portion of the site dramatically alters the relationship of the development with the public realm. The proposal is considered contrary to the design objectives of the LAP.
- 9.17. Blocks C1-C3: While the permitted scheme had block C3 omitted, the applicant now seeks to construct a new single-storey Block C3 to the rear of the Protected Structure, which is to house proposed resident amenity facilities. The design has been revised and reduced in height to that previously proposed, allowing glimpses of

the rear elevation of the protected structure from the terraced pedestrian access route from Temple Hill, between Blocks B1 and B3. Accordingly, the Planning Authority's Conservation Officer has no objection in principle to proposed block C3.

- 9.18. Block D1: The proposal fails to provide a graduation in height adjacent to the thoroughfare and is therefore contrary to the policy of the Blackrock LAP in terms of acceptable building heights. In addition, the Planning Authority has significant concerns with respect to the impact of this modified building on the architectural character of the site and the relocated Protected Structure. The proposal is therefore also considered to be contrary to section 8.2.3.4(xi) (Institutional Lands) of the current County Development Plan given the rich architectural heritage of the site. Visuals prepared for the application fail to provide a no-leaf scenario, the true visual impact is likely to be exacerbated during the winter months.
- 9.19. Blocks E1/E2: The Planning Authority has significant concerns regarding the proposal in its current form and its impact on the residential amenity of the properties to the north by reason of overshadowing, loss of daylight and by being visually overbearing.
- 9.20. Criteria under Building Height Guidelines: The site is a prime location with access to high-quality transport infrastructure and excellent links to Dublin City. The proposal does not provide an appropriate response to the urban neighbourhood and streetscape and should therefore be refused planning permission. The proposal will be visually overbearing from Temple Hill and when viewed from within St. Vincent's Park will negatively impact the rich architectural character of the site. High quality public thoroughfares throughout the site. The Planning Authority consider that a proposal on the site should demonstrate a high level of compliance with the BRE Guidelines. The submitted wind analysis does not specifically detail the wind impacts and the usability of the proposed balconies. The study does not appear to include an assessment of the rooftop terraces.
- 9.21. Although concerns remain regarding the layout, footprint and forms of a number of blocks, should An Bord Pleanála be minded to grant permission for the proposed development, the Planning Authority recommend compliance with a number of appropriate conditions which provide for a reduction in height across a number of the proposed blocks.

9.22. Urban Form

9.23. The Planning Authority is satisfied that objective DS5 of the Site Framework Strategy is satisfied and the proposal will enhance the street edge. The proposal now provides a boundary railing with the woodland park and Blocks E1, E2 and D1 which will act as an informal boundary to Rockfield Park, and satisfies Objective DS6 of the Framework. Generally satisfied that the siting of Blocks E1-E2 and D1 will satisfy Objective DS7, however the proposal has been modified, whereby all own door duplex apartments have been omitted. DS8, the height of the eastern end of Block E1 and the western end of D is graduated to 4 no. storeys which at this location is considered generally acceptable. The buildings have been stepped to follow the topography of the site which is considered to accord with Objective DS9.

9.24. The proposal is considered to be contrary to Objective DS10 of the Blackrock LAP. Significant concerns are highlighted with respect to the layout and form of Block D1 and the additional heights now proposed across the development which are considered to erode from the architectural significance of the existing Protected Structures on site. It is therefore considered that the proposed development should be refused planning permission.

9.25. The proposal is considered to satisfy design objective DS11 as a total of 38% (15,099.7sqm) of the site area is proposed to be reserved for communal / public open space provision. The scheme also provides a high standard of permeability. The proposed development is generally considered to be acceptable having regard to design Objective DS12 of the Site Framework Strategy.

9.26. The proposal does not satisfy all design principles under the Site Framework Strategy, in particular in relation to design principle no.2 and the layout to the north of the site. The current scheme represents a significant departure from what was previously permitted, compounded by the loss of the previously proposed landscaping within the north-eastern portion of the site.

9.27. Residential Amenities

9.28. Block A1 – the Planning Authority is generally satisfied that the additional level of accommodation can be absorbed at this location and will not unduly compromise the residential amenity of the properties to the west of the application site.

- 9.29. Blocks B1-B3 – The Planning Authority is generally satisfied that these blocks will not unduly compromise residential amenity of properties on Temple Road. However the Planning Authority has significant concerns with respect to the additional height of blocks and visual impacts relative to the siting of adjoining lands including The Alzheimer Society of Ireland.
- 9.30. Block B4 – The visual impact of block B4 from the south-east and north along Newtown Avenue is compounded by its elevation, relative to surrounding lands.
- 9.31. Blocks C1-C3 – Given the scale and height of Block C1 and its setback from the site boundary, as well as the screening of terrace at second floor, the Planning Authority is satisfied that the proposal will not unduly compromise the residential amenity of properties within the vicinity.
- 9.32. Block D1 – The Planning Authority has concerns regarding the visual impact of this block when viewed from the rear amenity spaces of the properties on St. Vincent's Park. This impact will likely be exacerbated in winter months given the reliance on existing vegetation within the site which would act to filter views of the proposed built form. Concern regarding potential impact on the adjoining properties with St. Vincent's Park by reason of being visually overbearing.
- 9.33. Blocks E1-E2 – Concern regarding the visual impact of the proposal when viewed from the properties to the north and the additional overshadowing impacts given the orientation of the site and the siting of the blocks relative to the properties to the north. Changes to the terraces and balconies also noted, and considered to result in undue overlooking of properties to the north.
- 9.34. Apartment Standards and Amenities
- 9.35. The proposed development meets or exceeds standards set out in the Apartment Guidelines. The Planning Authority has significant concerns regarding the separation distances between a number of blocks within the scheme. Particularly Block B3 and B4, Block A1 and B1 and Block E1 and E2, with a separation of between c.6m and 8m. This is a substandard level of amenity and will not be supported by the Planning Authority.
- 9.36. Landscaping and Communal Open Space

- 9.37. The proposal is below the requirement for open space on Institutional lands, based upon population calculation. The proposal impacts the existing tree roots of retained trees and as such fails to adhere to many of the policies outlined within the Green County Strategy section of the DLR County Development Plan (policy LHB19, OSR1, OSR7 and the Tree Strategy for the County – dlr Trees 2011-2015). Concern regarding the open space provided and finish details in its current form. Request further agreement with the Planning Authority over the feasibility to include/retain more tree planting within the development with particular reference to its southern boundary, zoned 'F'. Conditions recommended.
- 9.38. Drainage Planning
- 9.39. A number of technical matters are highlighted, with conditions suggested to address inconsistencies and the submission of details in relation to drainage, particularly in relation to roof areas and the incorporation of green roofs.
- 9.40. Based on the information contained in the submitted Site Specific Flood Risk Assessment submitted by the applicant, the conclusions contained therein are accepted and thus the proposed development is considered to be in accordance with Appendix 13 (Strategic Flood Risk Assessment) of the DLR Development Plan, subject to the application of conditions concerning boundary treatment and freeboard area.
- 9.41. Transportation Planning
- 9.42. Transportation Planning consider the provision of a single lift to serve the proposed cycle parking at Block D to be unacceptable. The proposed ramp is not suitable for use by cyclists and may result in a traffic hazard. The proposed lift is too small to cater for cargo bikes. The provision of cycle parking is considered generally substandard and not in accordance with DLRC's standards for cycle parking and associated cycling facilities in new developments. Therefore Transportation Planning recommend refusal of the application on this basis. Conditions recommended concerning details of road layouts, cycle parking, basement parking, quality audit, taking in charge, footpaths, management of construction traffic etc.
- 9.43. Concerns raised by the Transportation Planning section with respect to the under-provision of car parking are noted, however the Planning Authority are cognisant of the Apartment Guidelines which acknowledges that the quantum of car parking or

the requirement for any such provision for apartment developments will vary and is broadly based on proximity and accessibility criteria. The Planning Authority is satisfied that the reduction in car parking is acceptable at this location in this instance.

9.44. Waste Management / Construction Management

9.45. The Environmental Enforcement section of the Planning Authority is generally unhappy with the following submitted documents; Material Assets Waste Management Report; Operational Waste Management Plan; Construction and Demolition Waste Management Plan; EIAs Reports; Bin Store Layout Plans. Recommend conditions regarding environmental monitoring, construction waste, liaison with public, operational waste and pet control. Conditions also recommended by the Environmental Health Officer concerning a final Construction Environmental Management Plan, noise levels and operational plan.

9.46. Other Issues

9.47. Public Lighting – The lighting design as submitted is not acceptable to the public lighting section. Conditions recommended to address matters.

9.48. Part V – Note that the applicant proposes to comply with the Part V requirement. Recommend condition to secure compliance.

9.49. Boundary Treatments – No concerns raised, conditions recommended.

9.50. Conclusion

9.51. The Planning Authority is not satisfied that the proposed development accords with national strategic policy in the Building Height Guidelines. The proposed development fails to accord with objectives PS1, PS3, DS10, D11 and D14 of the Blackrock LAP. The Planning Authority consider Block D1 to be monolithic, with an overpowering impact on the setting and amenity of the single-storey gate lodge. Given the reduction in site car parking, the Planning Authority consider the provision of a single lift to serve the proposed cycle parking at Block D to be unacceptable and the ramp is unsuitable for cyclists creating a traffic hazard.

9.52. The Planning Authority recommends that permission be refused for the reasons below:

1. Having regard to the layout, footprint and siting of a number of blocks across the development site, in particular, but not limited to Block B4 and D1, it is considered that the proposed development fails to accord with the design principles and objectives of the Site Framework Strategy, as indicated in the Blackrock Local Area Plan 2015-2021 (extended to 2025). Given the modifications to the layout of the proposed development and the additional height now proposed, the proposal represents an overdevelopment of the site which detracts from the site's sylvan and rich architectural character. The proposed development is therefore contrary to Section 8.2.3.4(xi) (Institutional Lands) of the Dún Laoghaire Rathdown County Development Plan 2016-2022 and fails to contribute to good place making. In this regard, the proposed development would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the overall height, scale, form and layout of a number of blocks across the proposed development site, it is considered that the proposed development will have an imposing and oppressive impact on the character, setting and visual amenity of St Teresa's, a Protected Structure. Due to the height and layout of Blocks B1-B4, the proposal will also be unduly overbearing relative to the width of Temple Hill and the two-storey dwellings opposite due to the additional height now proposed and the non-orthogonal layout of these blocks relative to Temple Hill. The proposed development will have a significant negative impact on the residential amenity of properties with the vicinity by reason of the scale, layout and overall height of the proposed blocks. In addition, there are concerns that the proposed changes to Block D1, to one monolithic 6-storey block, will have an overpowering impact on the setting and amenity of the relocated single-storey gate lodge (Protected Structure).

In this regard, the proposed development fails to accord with the objectives PS1, PS3, DS10, D11 and D14 of the Blackrock Local Area Plan 2015-2021 (extended to 2025) and is contrary to Section 8.2.11.2 (iii) (Development in Proximity to a Protected Structure) of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan and the applicable zoning objective 'A' which seeks 'to protect and/or improve residential amenity'. The proposed

development would therefore be contrary to the proper planning and sustainable development of the area.

9.53. 36 no. conditions recommended, conditions of note include condition no.2 concerning revised plans and elevations incorporating modifications as below (also note Appendix B outlining Development Contributions):

- a. Omission of 2no. intermediate levels (level 05 & 06) from Block B1;
- b. Omission of 2 no. intermediate levels (level 03 & 04) form Blocks B2-B3;
- c. Omission of an intermediate Level (level 03) from Block B4;
- d. Omission of 2 no. levels (level 04 & 05) from Block D1;
- e. Omission of 2 no. levels (level 04 & 05) from Block E1;
- f. Omission of 2 no. intermediate levels (level 02 & 03) from Block E2;
- g. Change of use of the first floor level of Block C2 from residential to childcare use;
- h. The proposed 0.6m high granite wall with 1.2m high steel railings to Temple Road shall be replaced with a 0.6m high granite plinth wall along its full boundary length.

9.54. **Summary of Departmental Reports**

9.55. Transportation Planning Section

9.56. The provision of cycle parking and access to same across the site is considered deficient and will, in the event of a grant, negatively impact the level of residential amenity for residents and create conflicts between basement cycle parking users in Block D which will likely result in the creation of traffic hazards within the proposed development. Therefore Transportation Planning recommend refusal.

9.57. Transportation Planning considers that these issues, at this point, are unlikely to be overcome by way of recommended planning condition. However, in the even that the decision is made to grant, conditions are recommended.

9.58. Drainage Planning

9.59. Calculations are presented incorrectly with over provision in some locations and under provision in other locations. Green roof coverage does not include PV panel

zones. PV panels are not incompatible with greens roofs, so there is potential to increase the green roof coverage. Also suggest provision of shared communal roof terraces. Conditions recommended.

9.60. Housing Department

9.61. The on-site proposal is capable of complying with the requirements of Part V of the Planning and Development Act 2000 as amended. Recommend that should a decision be made to grant planning permission for the proposed development a condition be attached requiring the applicant/developer to enter into an agreement in accordance with Part V of the Planning and Development Act 2000 as amended.

9.62. Conservation Officer

9.63. No objection in principle to proposed Block C3. The proposed changes to Block D1, to one large monolithic 6 storey block, will have an overpowering impact on the setting and amenity of the single-storey gate lodge. Significant revisions to the scale, height and massing of Block D1 are required in order to mitigate the impact on the relocated gate lodge which is a Protected Structure.

9.64. The increased scale, height and massing will have an imposing and oppressive impact on the character, setting and visual amenity of St. Teresa's, a Protected Structure. In this regard the scheme currently before An Bord Pleanála fails to accord with the following objectives of Blackrock LAP; PS1 'to safeguard the character and setting of a Protected Structure through appropriate control of the design of new development in the vicinity', PS3 'significant views of the Protected Structure and the historical context of its setting in the landscape or surrounding urban context, should not be compromised', D11 'to ensure that any development within Character Area 5 shall include the creation of an improved setting for St. Teresa's Protected Structure' and D14 'It is an objective of the Council to ensure that development within the Character Area 6 be appropriately sited having regard to views to and from the Protected Structure and retain the historic view to the south toward the Dublin Mountains.'

9.65. Environmental Enforcement Section and Environmental Health Officer

9.66. As noted in summary of Chief Executive report above. Conditions recommended.

9.67. Parks and Landscape Services

9.68. The Parks and Landscape Services department are generally satisfied with the overall proposals, however, with the proposed increase of units to 493 the applicant is below the requirement of open space for institutional lands as set out in Section 8.2.8 Open Space and Recreation of the County Development Plan 2016-2022 which states a minimum open space provision of 25% of the total site area (or a population based provision in accordance with Section 8.2.8.2 whichever is the greater) will be required. The proposal impacts existing tree roots of retained trees. While the development is designed to a high standard and the overall design approach, innovation, materials, tree and plant species and play provision are supported by the Parks & Landscape Services, there are concerns in relation to open space provided and finish details in its current form. In the event of grant of permission, the applicant should be advised to consult and reach agreement with the Planning Authority over the feasibility to include/retain more tree planting within the development. With particular reference to its southern boundary, zoned 'F', the applicant shall be required to offset the habitat and tree loss caused by the development aimed to improve the visual impact of the proposal in an established suburban locality. The proposal should respect the genius loci of the site and apply best practices in accordance with the Development Plan. Conditions recommended.

9.69. Public Lighting Section

- Bollards and uplighters are not recommended on the basis of Health and Safety;
- The lighting results report has not been submitted; The lighting results drawing submitted is missing information that would allow it to be used instead of the results report. It does not show the lux contours out to the 1 lux line (2 lux at a minimum). It does not show the light output from the bollards or uplighters, and these are needed to show compliance with the lighting standards. It does not show the light levels reaching apartment building walls which would allow for checks against obtrusive light limits.
- The light level results on the drawing do not match the light positions.
- Request a full lighting report with results tables and lux contour diagram and with no masking. As the submitted lighting design is not acceptable to the public lighting section.

9.70. Architects Department

9.71. The range of building heights across the site as prescribed in Map 12 of the Blackrock LAP generally range from 3-4 storeys. The height of the apartment blocks now before the Board has increased significantly from what was previously approved on the site; now ranging in height 10 storeys. This does not accord with maximum building height as prescribed in Map 12.

9.72. It is considered that Blocks B1-B4 had reached an optimum balance in meeting the Site Framework Objectives in the LAP in the previous iteration. It is considered that the proposal now before the Board has lost this balance and will be unduly overbearing relative to the width of Temple Hill and the two-storey dwellings opposite due to the additional height now proposed and the non-orthogonal layout of these blocks relative to Temple Hill. The increase in height and the modifications to the layout of these Blocks also has the potential to impact on the setting of St. Teresa's House when viewed from the south.

9.73. **Elected Members**

9.74. A summary of the views of elected members at the Dún Laoghaire HEPI, Special area committee meeting on 10th February are set in the submitted Chief Executive Report and copied below:

- The proposal is in contravention with the Blackrock LAP, particularly with regard to building heights, density and layout. The approval of the Planning Application undermines the function and role of the LAP which is a statutory document. The County Development Plan, Local Area Plans and Planning Scheme, have been through the democratic plan making process as enshrined in the legislation. The plans have been adopted by the elected members and there is a legitimate expectation on their part and also on the part of the residents of an area that development will take place as per a democratically adopted LAP or Planning Scheme.
- The LAP and the current County Development Plan should not be ignored. It's the role of the elected members to make a County Development Plan and it and the LAP are contracts with the people.
- The scale, height and density of the proposed development is excessive. The proposed buildings will appear higher as a result of the elevated nature of the site.

- The proposal is not in compliance with the Council's Building Height Strategy which is included within Appendix 9 of the current County Development Plan.
- Significant concerns raised by a large number of Councillor's regarding the height and scale of the proposed development and its impact on adjoining properties.
- The transition in height to adjoining low rise properties is unacceptable.
- A reduction in height should be provided across the application site so that it displays better compliances with the policies of the LAP and current County Development Plan.
- Concerns regarding the proposed density of the development which is excessive at this location.
- Concerns with respect to the design and layout of the development and its relationship to Temple Hill.
- Height and density is completely inappropriate for this location.
- Fire safety related concerns associated with the proposed development.
- Concerns regarding the extent of tree loss across the site.
- The proposal will destroy the sylvan character of the site and will be relying on Rockfield Park as a way to filter views of the development.
- Concerns with respect to the proposed unit mix and the use of studio units.
- The proposal should provide a greater percentage of 3 bedroom apartments in lieu of the proposed studios.
- Concerns that there is not a demand across the private sector for the 1 no. bedroom apartments.
- Car parking related concerns which will result in on street car parking pressures.
- One Councillor indicated that the parking provision is appropriate for this location.
- The transport assessment is inaccurate with respect to the information included.

- The traffic surveys were taken at the wrong time.
- Concerns that the junction upgrade works do not have regard to the increase in density now proposed. Further investigation is required with respect to this element of the proposal.
- Older people will be relying on adequate car parking to be provided on the site which is currently deficient as part of the current proposal.
- The proposal does not provide sufficient car sharing facilities and is wholly inadequate.
- Concerns with respect to all of the Part V provision being located in one block and the provision of Part v should be integrated across the development site.
- Concerns regarding the location of the Part V housing which the site which is furthest away from the village centre and associated amenities.
- The smaller 1 bedroom apartments within the Part V provision should be sited closer to amenities and transport to cater to an older demographic.
- The number of Part V bed spaces is deficient.
- Concerns regarding the ability of the applicant to resubmit the application for a development of this scale which is entirely profit driven.
- The Councillors have a duty to represent the constituents and have an obligation to ensure the development proposals comply with the policies of the current County Development and Blackrock LAP.

10.0 Prescribed Bodies

10.1. An Taisce

10.2. An Taisce concurs with the applicant that St. Teresa's Lodge should not be demolished and removed as it has the potential to make a "positive contribution to the architectural heritage of the community" (see Section 7 of the Gate Lodge Conservation Report). Furthermore, An Taisce note that the retention of the lodge forms part of Objective D11 of the Blackrock Local Area Plan. Given that the gate lodge must be relocated from its present and original position for reasons of road safety, An Taisce submits that the key consideration for the new location should be

the reestablishment of the relationship between the lodge and monumental gates. As noted by the applicant, the gates were moved from their original position near the lodge to the northern section of the site in 1988, and the Blackrock Local Area Plan contains an objective (D13) to further relocate them to the entrance of Rockfield Park. An Taisce concur with the decision to drop Alternative 3, the position for the lodge proposed in the previously granted SHD application, which would maintain the current separation of the lodge from the gates and would not maximise the benefits of the proposed café to the public realm.

10.3. It is submitted that the Board should ensure that the selected position (Position B per Section 7.2 of the Gate Lodge Conservation Report) would sufficiently visually and functionally re-establish the connection between the lodge and the likely future position of the gates at the entrance to Rockfield Park. This assessment should take account of the proposed landscaping in the area around the planned relocation site.

10.4. It is further submitted that Craigmore, the former name of St. Teresa's, should be used in the naming scheme for the proposed development, if granted, in recognition of the heritage value of the site.

10.5. An Taisce also recommend the following:

- Ensure that sufficient services amenities exist in the area around the subject site to support the proposal and facilitate decreased dependence on private car use. The proximity to bus routes and the DART line is welcome, however, it should be ensured that adequate passenger capacity exists to serve the proposed development.
- Ensuring that safe pedestrian and cycle access exists between the site and the main amenities and public transport hubs across Temple Road.
- Including full recycling facilities within the site (particularly for glass) given the scale of the proposal.

10.6. Irish Water

10.7. In respect of water: A new connection to the existing network is feasible without a network upgrade. The connection should be via a new 200mm ID pipe main to be laid to connect the site development to the existing 400mm DI main and a bulk meter to be installed on the connection main. A secondary connection main of 200mm ID

pipe main may be laid to connect the site development to the existing 150mm DI main.

- 10.8. In respect of wastewater: The applicant has engaged with Irish Water in order to assess the feasibility of a potential 900mm and 1.2m diameter sewer diversion (our ref: DIV21142) and Irish Water have confirmed that it is feasible to divert these sewers, subject to the applicant entering into a Diversion Agreement with Irish Water prior to any works commencing on the site. The applicant is required to continue to engage with Irish Water Diversions section to ensure adequate protection and access for maintenance of existing assets.
- 10.9. Design Acceptance: The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the Development redline boundary which is necessary to facilitate connection(s) from the boundary of the Development to Irish Water's network(s) (the 'Self-Lay Works'), as reflected in the applicant's Design Submission.
- 10.10. Irish Water respectfully requests the board condition(s) any grant as follows:
1. The applicant shall sign a connection agreement with Irish Water prior to any works commencing and connecting to the Irish Water network.
 2. All development shall be carried out in compliance with Irish Water Standards codes and practices.
 3. The applicant shall enter into a diversion agreement with Irish Water as required to protect Irish Water infrastructure (900mm and 1.2m diameter sewer diversion).

11.0 Oral Hearing Request

- 11.1. Three formal requests for an Oral Hearing have been received in relation to this application. Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:
- (i) 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

(ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

11.2. Having regard to the circumstances of this case, to the issues raised in the observations received by the Board (as summarised in section 8 above), and the assessment set out in section 12.0 below, I consider that there is sufficient information available on the file to reach a conclusion on the matters arising. I do not consider therefore that there is a compelling case for the holding of an oral hearing in this instance.

12.0 **Assessment**

12.1. The planning assessment set out below should be read in conjunction with my Environmental Impact Assessment (EIA) in section 13, as there are overlapping considerations under each of these assessments. I will address the main planning issues arising from the proposed development under the following headings-

- Principle of Development
- Density
- Heritage Considerations
- Height, Scale, Mass and Design
- Neighbouring Residential Amenity
- Proposed Residential Standards
- Traffic and Transport
- Material Contravention
- Planning Authority's Reasons for Refusal
- Other Issues

12.2. **Principle of Development**

12.2.1. Land Use

12.2.2. National policy as expressed within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 supports the delivery of new housing on appropriate sites. Blackrock is

identified as a Level 3 (Town and/or District Centres & Sub-County Town Centres) for Dún Laoghaire-Rathdown in the RSES. The County Development Plan also identifies Blackrock as a Secondary Centre and the Blackrock LAP identifies the subject site (St. Teresa's) as being one of the sites with the greatest potential for residential development (page 52).

- 12.2.3. The subject site is zoned Objective A under the Development Plan 'To protect and-or improve residential amenity' and residential is a permitted in principle use on these lands. Childcare service and café are open for consideration uses under the zoning. The proposed creche and café make up a minor proportion of the development and are ancillary to the predominate proposed development of residential apartment units. I note that the Planning Authority recommends that the application be refused and considers that the proposed development does not conform with the zoning objective to protect and-or improve residential amenity. The Planning Authority have reached that conclusion on the basis of the overall height, scale, form and layout proposed, and I assess the proposed design, height, scale and mass below in section 12.5. I am satisfied that all proposed uses are acceptable for this site on Objective A lands and this is supported by the previous planning consent on the site (ABP SHD ref. 303804-19, also referred to as the '2019 SHD consent' in this report).
- 12.2.4. A strip of land within the site abutting the south western boundary, along with a portion of the site where an existing historical folly is located, is zoned Objective F under the Development Plan 'to preserve and provide for open space with ancillary active recreational amenities'. The proposed built footprint of structures and basement area for the development do not extend into this area, which is proposed to form part of open space provision for the development. As such, the proposed development is compatible with the zoning of this part of the site.
- 12.2.5. The subject site is also subject to other objectives, including institutional lands and the protection of trees and woodlands. I note the annotation of 'school' and 'basketball ground' on the zoning map, however this relates to historical uses of the site and do not correlate to any objectives under the Development Plan. I consider the sites conformity with objectives relating to trees and woodland as part of my consideration of tree removal in my EIA (section 13) and as part of my assessment of the proposed landscape in section 12.7 below.

12.2.6. Institutional Lands

12.2.7. As described above, the application site is subject to the INST objective (institutional lands) under the zoning map for the Development Plan. Policy RES5: Institutional Lands of the Development Plan states that proposals on land in institutional use, should retain the open character and/or recreational amenity of the lands wherever possible. The text following the policy, states a minimum open space provision of 25% of the total site area (or a population based provision in accordance with Section 8.2.8.2 of the plan, whichever is the greater) is required. The text also states that average net densities should be in the region of 35-50 units per hectare (uph), and that in certain circumstances, higher densities will be allowed where it is demonstrated that they can contribute towards the objective of retaining the open character and/or recreational amenities of the lands. Chapter 8 Principles of Development, section 8.2.3.4 (xi) Institutional lands of the Development Plan, reiterates the aforementioned provisions, and additionally states that a comprehensive masterplan should accompany a planning application on an institutional site.

12.2.8. Development plan section 8.2.8.2 sets out requirements for public open space such that there is a requirement of 15-20 sq.m. of open space per person, based on a presumed occupancy rate of rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. No differentiation is made between 'public' or 'communal' open space in the case of apartment developments. The provision of less than 20 sq.m. per person of open space will only be considered acceptable in instances where exceptionally high quality open space is provided on site.

12.2.9. The current planning application has been submitted with a 'Masterplanning and Architectural Design Statement'. Section 3.1 and 3.2 of that submitted statement describes the masterplan vision and design for the site and I am satisfied that this masterplan document is sufficiently comprehensive. The proposed development provides for 15,099.7sqm of open space, broken down as 11,572.3sqm public open space and 3,527.4sqm communal, equating to 17.9sqm per person. This does not meet the minimum open space quantum on a population basis under the plan and a Material Contravention Statement submitted with the application in relation to the same. I carry out an assessment of the proposed design below which includes

consideration of the open space. While I note that the open space provision included does not meet the minimum quantum described in the text subsequent to policy RES5, there are provisions under section 8.2.8.2 in relation to open space (as outlined above) allow for exceptions to the provision of the minimum open space quantum per a person (under the population quanta described), where exceptionally high quality open space is provided on site (with such schemes potentially being subject to financial contributions). This requires an assessment of the open space provision included as part of the development, which I carry out in section 12.7 below. I also further assess material contraventions in section 12.9 and density in section 12.3 below.

12.2.10. Policy RES5 requires the retention of open character and/or recreational amenity of the lands, wherever possible, on sites in institutional use. The proposed development incorporates 15,099.7sqm of public open space, including woodland area. This is focused centrally and towards the south of the site abutting Rockfield Park. In relation to the quantum and quality of this open space, I assess this in section 12.7 below. I note third party concern that the open character of the site is not retained from Temple Hill Road due to the arrangement of apartment blocks along this edge of the site. The proposed development incorporates gaps between the blocks on Temple Hill, with distances of c.5m at the minimum and over c.20m between the three tallest blocks. With the exception of Blocks B4 and C3, I am satisfied that this arrangement allows for viewers of the site to appreciate the openness beyond the proposed apartment blocks and within the site. I set out a more detailed assessment of the visual impact and proposed design in sections 12.4 and 12.5 below, including an appraisal of Blocks B4 and C3, which in my opinion require removal to ensure an appropriate relationship with the protected structure, preserve the open character of the site and ensure an appropriate design to the street. However, overall I am satisfied that with the removal of Blocks B4 and C3 as I describe below, the open character of the site will be retained in the proposed development as required under Policy RES5.

12.2.11. County Development Plan

12.2.12. I note third party objections relating to the conformity of the proposed development with the Dún Laoghaire Rathdown County Development Plan 2022-2028. The new County Development Plan was adopted by elected members for Dún Laoghaire

Rathdown on the 10th March 2022 and will come into force on the 21st April 2022. However, the new County Development Plan that will come into force on 21st April 2022 is not a material consideration under section 9 of the 2016 act. It would not be appropriate to determine this application on the basis of the contravention of provisions under that plan before it comes into force. Therefore, the planning framework for assessment of the application is through adopted planning policy as expressed in section 6 of this report, and specifically, the current Development Plan 2016-2022, Blackrock LAP and associated zoning of the site.

12.2.13. Previous Consent

12.2.14. Planning permission granted in 2019 by An Bord Pleanála on the subject site for 294 residential units and creche facility (ABP SHD ref. 303804-19 or the 2019 SHD consent). My assessment will focus particularly upon any changes to the built form under this current application when compared to that previously permitted on the site. However, my assessment will still consider any cumulative development impacts for the overall site area, being the total 493 units that would result from a grant of planning consent.

12.2.15. Therefore, while I will draw an emphasis on differential impacts between the permitted development on the site and the proposed development, this is in recognition of the status quo on the site and does not override my *de novo* assessment of the development.

12.3. **Density**

12.3.1. A number of representations have been received regarding the proposed density of the development. Concerns centralise around the appropriateness of the density level proposed for the location.

12.3.2. Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. In relation to Section 28 Guidelines, the 'Urban Development and Building Height, Guidelines for Planning Authorities' (Building Height Guidelines), 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (Apartment Guidelines) and Sustainable Residential

Development in Urban Areas, Guidelines for Planning Authorities (Sustainable Residential Development Guidelines) all support increases in density, at appropriate locations, in order to ensure the efficient use of zoned and serviced land.

- 12.3.3. The Blackrock LAP states in Objective DS3 that redevelopment of the St. Teresa's and Dunardagh landholding (the subject site) shall incorporate a high quality residential development with a minimum density range of 45-55 uph. The Development Plan states in section 8.2.3.2 'Quantitative Standards' that residential density should be determined with reference to Government Guidelines for Sustainable Residential Development, with a general principle to optimise density of development in response to type of site, location and accessibility to public transport. The site is also covered by an institutional objective and as outlined in section 12.2 above, the text that follows policy RES5 concerning institutional lands, states that average net densities should be in the region of 35-50 uph. The text also states that in certain circumstances, higher densities will be allowed where it is demonstrated that they can contribute towards the objective of retaining the open character and/or recreational amenities of the lands. The Sustainable Residential Development Guidelines state the following in relation to institutional lands:

"...average net densities in the range of 35-50 dwellings per hectare should prevail and the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts (say up to 70 dph)..."

- 12.3.4. The Apartment Guidelines also indicate acceptable density ranges for development dependent upon the characteristics of the area. A range of locations is described in the guidelines, however it stipulates that *"The range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors."* I visited the site using public transport and walked to the subject site from Blackrock DART station in approximately 10mins. I am therefore satisfied that the subject site is situated 10 minutes walking distance to the Blackrock DART station, as well as a 4 minute walk to a Dublin Bus Stop on the Temple Hill with services into the City centre (route 4) and within a 15 minutes' walk to services and amenities in Blackrock centre. The Apartment Guidelines state that sites within a reasonable walking distance (i.e. 10 minutes) of high capacity urban public transport (such as DART) or easy walking distance (i.e. 5 minutes) to high frequency bus services, can be categorised as being within a 'Central and/or Accessible Urban

Location', where higher density development that may wholly comprise apartments will be accepted. I note that the National Transport Authority (NTA) state in their 'Transport Strategy for the Greater Dublin Area' which includes Blackrock, that *"Heavy rail (DART and Commuter Rail) provides the core high capacity infrastructure and services that are central to the Greater Dublin Area's public transport system."* Figure 3.1 'Dublin Frequent Transport Services Map' of the strategy also includes the DART service to Blackrock, as well as Dublin Bus Route no.4 that serves the site. Therefore, I am satisfied that the site has access to high capacity frequent public transport and falls within the Central and/or Accessible Urban Location category under the Apartment Guidelines.

12.3.5. The proposed development has a density of 165 uph based upon the net site area, which is in accordance with density calculation methodology in the Sustainable Residential Development Guidelines. This density exceeds the density range described in the Blackrock LAP of 45-55dph. I also exceeds the range of 35-50 uph expressed in the text subsequent to policy RES5 in the Development Plan as well as the density expressed for institutional lands in the Sustainable Residential Development Guidelines of 35-50 dwellings per hectare (dph) with *"increased densities in selected parts (say up to 70 dph)"*. The higher density proposed is however supported by the Apartment Guidelines as described above. In addition, as set out above, the Blackrock LAP expresses 'a minimum density range of 45-55 uph' for the site, and as this is not described as a maximum, in my view it does not preclude higher density levels on the subject site in excess of that range.

12.3.6. In relation to the Development Plan and Sustainable Residential Development Guidelines, it is clear that the density levels described for institutional lands are directly related to the need to preserve the open character of such sites. Both the Development Plan and the Guidelines expressly state that higher densities will be allowed where this contributes towards retaining the open character of the lands. The Guidelines state *"say up to 70 dph"* in this sense. In my opinion, it is clear that the guidelines are not limiting higher densities on institutional lands to a maximum of 70 dph, as the statement contains no specific limitation or maximum in relation to the 70 dph described, with this expressly stated as an example (*'say up to...'*). Therefore, in my view, the acceptability of the higher density proposed in the current application, is interrelated to the quantum and quality of open space proposed as

part of the development and cannot be rejected purely upon the basis of its exceedance alone. I describe my assessment of open space in section 12.7 below, however as a point of first principles, and as confirmed in section 12.2 above, I am satisfied that the proposed development (in amended form) would retain the open space character of the site. However, as Development Plan policy RES3 requires consideration of the Sustainable Residential Development Guidelines with respect to density, the proposed density can be considered a material contravention of the Development Plan with respect to policy RES3 and I address this further in section 12.9 below. As outlined above, the proposed density also exceeds the range described in the LAP for the subject site, and therefore is also a material contravention of the LAP and I address this further in section 12.9 below.

12.3.7. Overall, having carried out my assessment of site characteristics, and particularly in light of the accessibility of the subject site to public transport and open space proposals as part of the development, I am satisfied that the proposed density is in conformity with the Apartment Guidelines and Sustainable Residential Development Guidelines. However, a qualitative assessment is still required of the acceptability of the subject site, and most specifically in relation to open space, with interrelated flexibility for the provision of higher densities under the Development Plan and Sustainable Residential Guidelines. I set this assessment out further below, however I am satisfied that there is nothing to preclude the proposed density level on the site with reference to the above local and national policy documents, which promote a qualitative assessment, as set out in this report.

12.4. Heritage Considerations

12.4.1. A number of objections are raised by third parties to the proposed development and associated impacts upon the existing Protected Structures on the site and its grounds. Serious concerns are also raised by the Planning Authority and its conservation officer, with requested amendments to the proposal. The Planning Authority recommends that the application be refused due to the 'imposing and oppressive impact' that they consider will result to the character, setting and visual amenity of St Teresa's, a Protected Structure. The Planning Authority also raises significant concerns regarding the impact of the proposal on significant views identified in the Newtown Villas ACA 'Character Appraisal. I consider these matters in further detail below.

- 12.4.2. The subject site includes three protected structures, St. Teresa's House (listed as St. Teresa's Centre, Temple Hill, Monkstown, Blackrock, Co. Dublin) and Entrance Gates (listed under Dunardagh, with relocation noted) both listed under RPS no.398 and the Gate Lodge (listed under St. Theresa's Lodge, Temple hill, Monkstown, Blackrock, Co. Dublin) under RPS no.1960. The structures are not included in the National Inventory of Architectural Heritage.
- 12.4.3. In the wider environs surrounding the subject site, there are a large number of protected structures, including properties on Prince Edwards Terrace, Carysfort Avenue, Seapoint Avenue, Newtown Avenue, Montpelier Parade and Alma Road, as well as Avondale hall, All Saints Church, Rosemount Park School, Carysfort House, Blackrock Hospice, Rockfield Stradbroke Road, 1 Mount Temple, Dunardagh House, Dunardagh Gardens and Neptune House. There are two Architectural Conservation Areas (ACA), namely Newtown Villas and Montepelier Parade, as well as two Candidate Architectural Conservation Areas (cACA), being Society of Friends Quaker Burial Grounds and Meeting House and Blackrock Village.
- 12.4.4. Development Plan policies AR1, AR2 and AR3 concern the protection of structures on the RPS from inappropriate development and requirement to contain appropriate documentation in applications. Policy AR8 specifically relates to the protection of exemplar 19th and 20th Century buildings and estates. Policy AR12 relates to the protection of Architectural Conservation Areas (ACA) and policy AR17 concerns development proposals within Candidate Architectural Conservation Areas (cACA). Chapter 2 of the Blackrock LAP concerns Heritage and Conservation, policy BK01 concerns the protection of the historic character of Blackrock, Objectives PS1, PS2, PS3, PS4, PS6, PS7, PS8, PS9 and PS10 concern the preservation of character, setting, landscape context, materiality and prominence of protected structures, alongside requiring appropriate documentation for planning applications with potential impact upon protected structures. Objectives specifically related to the protection of heritage assets on the subject site are also described in the LAP, including Objectives D1 to D17, as well as part of objectives under the site framework strategy for St. Teresa's and Dunardagh set out in Chapter 3 of the LAP. I also note that The Architectural Heritage Protection Guidelines for Planning Authorities provide guidance to planning authorities on the protection of architectural heritage.

- 12.4.5. The application includes an Architectural heritage Impact Assessment and Conservation Method Statement, Historic Land Assessment, Landscape Visual Impact Assessment and associated photomontages / views. These documents, alongside the aforementioned policies / objectives and guidance, have informed my assessment of the proposed development and I am satisfied that the documentation requirements under policies and objectives for the Development Plan and LAP as highlighted above, have been satisfied in the submission.
- 12.4.6. St. Teresa's House was originally named Craigmore at the time of its construction in 1862. The house comprises a two storey over basement 5 bay detached 19th Century house and within the grounds are a walled garden (in separate ownership), and stone tower folly. The gate lodge was constructed in c.1866 and is a single storey structure situated adjacent to the north boundary of the site on Temple Hill. The entrance gates are exceptionally wide and contemporaneous with the main house but were relocated to their current position from the eastern corner of the site, in 1988 as a result of works associated with the construction of the Blackrock Bypass. St. Teresa's House and grounds were acquired by the Daughters of Charity in 1925, after which time, the house ceased to be occupied as a family dwelling, and was extended and converted to a national school, while the main house was occupied by the Daughters of Charity. The extensions and modifications carried out to facilitate this continued into later years (1940's and 1960's etc.). Much of these modern extension buildings to both St. Teresa's and the gate lodge have been demolished as part of asbestos clearance from the site.
- 12.4.7. The proposed development includes the refurbishment of St. Teresa's House and conversion into residential apartments, the dismantling and reconstruction of the gate lodge in a new location as well as conversion into café (from residential use) and the construction of apartment blocks up to 10 storeys in height within the grounds of the house, alongside creation of public open space. The existing entrance gates that provide access to the Alzheimer's Society grounds, are to be retained in their current location. Previously planning consent was granted by An Bord Pleanála in 2019 on the site for the construction of 294 residential units and creche facility (ABP SHD ref. 303804-19). The development at that time included the refurbishment and conversion of St. Teresa's House into 6 no. apartment units, alongside dismantling and reconstruction of the gate lodge, with details reflecting

those described in the current application. However, the scale of proposed apartment blocks in that previously consented scheme was up to 8 storeys in height, while the current application includes proposed blocks up to 10 storeys in height, with increased scale proposed to 8 of the approved blocks, an additional block (C3) is also proposed in the current application, which was previously omitted by ABP in that former planning permission.

12.4.8. In my view, the main heritage considerations in my assessment relate to the potential impact of the proposed development upon the protected structures individually and their setting, the historic landscape of the site and surrounding Protected Structures and ACAs / cACAs. I address these matters under headings concerning the same below, with a focus on whether any resultant impacts have changed (particularly in severity) as a result of the increased quantum of development proposed under this application, when compared to the 2019 SHD consent on the site.

12.4.9. St. Teresa's House Protected Structure

12.4.10. Turning first to the impact upon St. Teresa's House itself, the proposed works to the house remain as permitted under the previous 2019 SHD consent. The proposals comprise the refurbishment and conversion of the house into 6 apartment units.

12.4.11. In my view, the proposed refurbishment and conversion will be a benefit to the house. It is clear to me from the submitted report and from my visit to the site, that the original house is in a poor state. The proposed repair and restoration of the house is proposed to follow conservation principles and will include refurbishment of some surviving features of heritage value in the interior. I am satisfied that the level of intervention into the internal built fabric of the house has been minimised, using the original plan form as far as is reasonably practical. Its conversion into a multi-residential building is also appropriate in my view, and reflective of practical residential occupation of this building, with its potential to be occupied as a single family dwelling long since passed, and no longer realistic given the site location and arrangements.

12.4.12. In relation to the proposed change of use and conversion of the protected structure to apartments, this use is a closer reflection of the original residential occupation of the building (albeit in multi-residential use rather than as a single residents) and this

use and habitation of the building will ensure more sustainable long-term protection and preservation of the building, with residential occupation necessitating ongoing maintenance. This approach is supported by the Architectural Heritage Guidelines, which state in section 7.3 that usually the original use for which a structure was built, will be its most appropriate use, and that keeping a historic building in active use is the best method of conservation.

12.4.13. I deal separately with the setting of the protected structure further below.

12.4.14. Gate Lodge and Entrance Gates Protected Structures

12.4.15. In relation to the gate lodge, the proposed works comprise the dismantling / deconstruction of the building and demolition of lean-to extension, and its reconstruction in a new location to the south of the site and adjacent to Rockfield Park. It is also proposed to extend and convert the building from residential to café use. The previous 2019 SHD consent for the site also concerned the dismantling and relocation of the gate lodge, but to a different location to that proposed under this application, and with its use to remain as residential.

12.4.16. The Conservation Officer for the Planning Authority states that the proposed location or the gate lodge is acceptable in principle, however they raise serious concerns over the impact of the proposed apartment blocks upon the setting of the gate lodge in its proposed location. I deal separately with the setting of the protected structure below. An Taisce have stated that they concur with the applicant's approach, with the proposed new location for the gate lodge under this current application and its change of use to café.

12.4.17. In relation to the principle of dismantling and relocating the gate lodge, this is established as part of the 2019 consent, albeit to a different location. The Architectural Heritage Guidelines allow for the demolition of protected structures only in exceptional circumstances. Since the construction of the gate lodge, the context surrounding that structure has irreparably altered. The separation to the road has narrowed and boundary treatment has been changed, the previous historical demolition of the other gate lodges for the site has also permanently altered the context of the lodge from that conceived at the time of its original construction. The relocation of the gate lodge allows for the creation of a wider vehicular access to the site which is intended to address traffic safety concerns at this junction. I am satisfied

that the applicant has described the exceptional circumstances that justify the dismantling of the gate lodge as proposed, and that this justification hinges on the reconstruction of the gate lodge in a new position. In my view, the new location proposed for the structure is more beneficial to the public realm, being situated adjacent to Rockfield Park and marking an entrance (pedestrian) to the site on that edge in a more publicly visible position than that approved under the former 2019 consent. While a residential use would be more reflective of the original use intended, the café use proposed is more appropriate for the new location of the lodge on the edge of a public park and will allow for increased public enjoyment of the structure. The proposed café use will also in my opinion, ensure the continued preservation of the gate lodge in future.

12.4.18. The works include the removal of a more modern rear extension to the gate lodge and creation of a new extension. The extension to be removed follows the pitch of the roof down from the eaves of the lodge, while matching the width of the original structure, and in this sense, detracts from the ability to 'read' the original plan form of the protected structure. The proposed rear extension is set in from the side elevations of the gate lodge and has a flat roof set in just below the eaves of the structure, it has a greater depth, but due to its arrangement, it reads more appropriately as a newer addition and does not detract from the gate lodge as severely as the existing extension in my opinion. As a result, the proposed extension is beneficial to the appreciation of the protected structure in my view.

12.4.19. In relation to the entrance gates or 'monumental gateway', these are retained in the 1988 relocated position under the current application, and this reflects the 2019 SHD consent. They will mark an emergency access to the proposed development and main entrance to the neighbouring Alzheimer Society of Ireland Building, in their position to the north west of the boundary, with the main access being created towards the north east end of the site on Temple Hill. There is segregation between the protected structures on the site, which runs counter to the original intention for the relationship between these original markers for entrances to the site and the house. However, this segregation and separation is as a consequence of historical alterations, most significantly, the demolishing of the other original gate lodges, relocation of the monumental gateway and realignment of the boundary, and is not a consequence of the current application. The current application retains the status quo

of this separation, but with renewed benefits in the proposal, including greater public interaction with the relocated gate lodge and refurbishment works to the protected structures on the site. As a result, I am satisfied with the proposed development in relation to the entrance gates as a protected structure.

12.4.20. Setting of Protected Structures and Historic Landscape Setting on the Site

12.4.21. The Planning Authority state that they have significant concerns regarding the impact of the proposed development upon the setting of protected structures on the site. Specifically in relation to Block D1 and the setting of the gate lodge and Blocks B1 to B4 and the setting of St. Teresa's House. The Planning Authority recommend the application be refused as a result, and with reference to objectives PS1, PS3, DS10, D11 and D14 of the Blackrock Local Area Plan 2015-2021 (extended to 2025) and Section 8.2.11.2 (iii) (Development in Proximity to a Protected Structure) of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan, as well as zoning objective 'A' which seeks 'to protect and/or improve residential amenity'.

12.4.22. Objective PS1 states that *'The Planning Authority will seek to safeguard the character and setting of a Protected Structure through appropriate control of the design of new development in the vicinity'*; and PS3 states that *'significant views of the Protected Structure and the historical context of its setting in the landscape or surrounding urban context, should not be compromised'*. Objective DS10 states that *'it is an objective of the Council to ensure the protection of the built and natural heritage in the consideration of any proposed layout and design in the redevelopment of the St Teresa's and Dunardagh landholding'*.

12.4.23. D11 states that *'it is an objective of the Council to ensure that development within Character Area 5 shall include the creation of an improved setting for St Teresa's Protected Structure. The Council will retain The Gate Lodge to St. Teresa's and necessitate any extensions to ensure its continued use and viability in accordance with policies and objectives set out in Chapter 2 of this Plan'*; and D14 states *'it is an objective of the Council to ensure that development within Character Area 6 be appropriately sited having regard to views to and from the Protected Structure and retain the historic view to the south toward the Dublin Mountains'*. Character areas are defined on Map 6 of the LAP, character area 5 concerns the area immediately adjacent to St. Teresa's House and to the north up to Temple Hill Road, while

character area 6 relates to land to the south of St. Teresa's House within the subject site. Section 8.2.11.2 (iii) (Development in Proximity to a Protected Structure) of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan concerns proposed developments in proximity to protected structures and the consideration of potential impact.

12.4.24. The applicant has provided CGIs to illustrate the proposed development in the context of the protected structures on the site, specifically the gate lodge and St. Teresa's House. In relation to the gate lodge, image P11 of the CGI document submitted provides a view of proposed Block D1 adjacent to the gate lodge. I note that the proposed development differs to the previous 2019 SHD consent in terms of the footprint of Block D1, which previously was broken into two blocks, while the current application has this as a single block. However, in my opinion, the mass of proposed Block D1 is still broken down, albeit without a physical break in the building. The proposed block is arranged in an inverted 'L' shape formation, with its short elevation running parallel to the gate lodge to the south west of the site, while the long elevation for the block then extends adjacent to the south east edge of the site and away from the lodge. This kink in the footprint of the block assists in breaking down its scale and mass, alongside the use of large fenestration. There is also a different material treatment to the proposed development when compared to the 2019 consented scheme, which in my opinion, is beneficial to the overall appearance of the blocks in the context of the protected structures. I describe this further in section 12.5 below. Overall, I am satisfied that proposed Block D1 is not monolithic and would be acceptable in the setting of the gate lodge. The gate lodge itself would never have been intended to be imposing, and therefore in my view, it can naturally coexist with the larger Block D1. There is also sufficient space around the gate lodge and separation to Block D1 to allow the gate lodge to be appreciated in views, and this is demonstrated by CGI image P11 in my opinion. As a result, I do not agree with the Planning Authority that the scale and height of proposed Block D1 requires amendment.

12.4.25. In relation to St. Teresa's House the Planning Authority raise specific concerns in relation to proposed Blocks B1-B4. Proposed Blocks B1, B2 and B3 have increased in height by 2 storeys when compared to the 2019 SHD consented scheme. However, the footprint, space between, distance to street and general arrangement

of proposed Blocks B1-B3 broadly reflects the 2019 consented scheme. Proposed Block B4 remains 5 storeys as detailed in the 2019 consented scheme, however the footprint and general arrangement of the block has changed and increased when compared to the 2019 consented scheme. With the exception of height, the external treatment, design and materiality remains the same for Blocks B1-B3, while the external visual appearance and design of Block B4 has been substantially amended.

12.4.26. The submitted CGI views P6 and P7 provide useful illustrations of the visual impact of proposed Blocks B1, B2 and B3 in the setting of St. Teresa's House. Image P6 is taken from the south of St. Teresa's House, with the house in the foreground and Blocks B1-B3 beyond. I note that there are trees in full leaf in the front of the blocks in the CGIs, however I am able to appreciate the impact of the blocks in this view regardless and have assessed the impact without reliance upon these trees for screening. In my opinion, St. Teresa's House retains visual prominence in this view. St. Teresa's House is set in extensive open space and therefore the building can be appreciated fully and without any detracting as a consequence of the blocks beyond. While the proposed blocks are increased in height by 2 storeys from the 2019 consented scheme, this does not negatively impact the setting of St. Teresa's House in my view, which retains visual presence and grandeur in views of the front of the house from the south.

12.4.27. In relation to proposed Block B4, the Planning Authority raise concern regarding the scale of this block, and I consider this further in section 12.5 below. The block does not form the immediate setting of the protected structures, which are more proximate to Blocks B1-B3 and D1. I outline in section 12.5 below, why in my opinion, proposed Block B4 should be removed, however these reasons relate more to considerations of the openness of the site to ensure conformity with policy RES5 in the Development Plan and general design considerations than specifically in relation to heritage. Therefore, I will not address this block further in this section of my report and undertake my appraisal of proposed Block B4 in section 12.5 below.

12.4.28. CGI image P7 is taken from Temple Hill Road looking toward the site and between proposed Blocks B2 and B3. This rear view of the house was not intended to command visual attention when the building was originally conceived, with the front of the house intended as the main elevation and viewed from the south. Therefore, whilst the visibility of the house will be partially obscured by proposed blocks on Temple

Hill, the gap between proposed Blocks B2 and B3 is sufficient in my opinion to allow visibility of the protected structure from the north and the street. In my opinion, proposed Blocks B1 and B3 frame this rear view of St. Teresa's House. The blocks are sufficiently distanced to allow full appreciation of St. Teresa's House set into the site in this view of site from the street between the blocks. However, proposed Block C3 is more problematic in my opinion in this view from Temple Road.

12.4.29. Block C3 was a three storey structure over basement level, that was omitted by the Board under the 2019 SHD consented scheme. In the current application, proposed Block C3 is a single storey structure over basement level, situated to the north of St. Teresa's House, providing residential amenity space. The Planning Authority confirm that their Conservation Officer has no objection in principle to proposed Block C3.

12.4.30. While proposed Blocks B2 and B3 frame the view of St. Teresa's House in the view from the street, as illustrated in CGI image P7, in my opinion Block C3 detracts from the prominence of the house in this view, due to its positioning directly to the rear of the house. The open setting to the south and north of the St. Teresa's House is important in my opinion and a key feature that highlights the presence of the protected structure. Therefore, I am recommending that the Board once again omit proposed Block C3 should they determine to grant consent for the application. The proposed residential amenity space within Block C3 can be provided in proposed Block C1 and I have included a condition describing the same in my recommended order below. With the removal of Block C3, the rear of the protected structure will be more visible from the street and therefore the presence of this historic building on the site will be announced from the north of the site and the street.

12.4.31. The space around St. Teresa's House is a defining feature that assists in creating visual prominence and highlighting its presence on the site. There are two proposed blocks set adjacent and to either side of St. Teresa's House. Blocks C1 and C2 are the most proximate of the proposed blocks to St. Teresa's House. These blocks are 3 storeys in height, with the top storey inset and zinc clad. I am satisfied that the arrangement and scale of these blocks is sensitive to the protected structure. Blocks C1 and C2 are set slightly back from the front building line of St. Teresa's House, and have a set back top storey and material finish that minimises their visual impact in context with the protected structure. The open space to the front (south) and rear

(north) with the removal of Block C3, is sufficient in my opinion to preserve an open setting to St. Teresa's House, enhancing the character of the protected structure.

12.4.32. I am satisfied that the remaining proposed blocks will not have any negative impact upon the setting of protected structures on the site. I am also satisfied that the separation between proposed Blocks E1 and D1 is sufficient and preserves the historic view south of St. Teresa's House towards the Dublin Mountains. The separation is broadly consistent with the 2019 consented scheme, being 25.6m in the current application, compared to 26m in the 2019 consented scheme. Photomontage view no.4 demonstrates that proposed Blocks E1 and D1 are suitably separate and allow full appreciation of St. Teresa's House in views from the south of the site.

12.4.33. As a result of the foregoing assessment, I am satisfied, that with the removal of Block C3 and Block B4, the proposed development satisfies policies and objectives that protect significant view of the protected structures on the site, safeguard the character of the site and improving the setting of protected structures on the site, including through the enhancement of the visual presence of St. Teresa's House, and preservation of the historic view toward the Dublin Mountains, specifically in light of objectives PS1, PS3, DS10, D11 and D14 of the Blackrock Local Area Plan 2015-2021 (extended to 2025) and Section 8.2.11.2 (iii) (Development in Proximity to a Protected Structure) of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan, as well as the applicable zoning objective 'A' which seeks 'to protect and/or improve residential amenity'.

12.4.34. Setting of Surrounding Protected Structures and ACAs / cACAs

12.4.35. In the submitted Chief Executive Report, the Planning Authority outlines significant concerns regarding the impact of the proposed development upon 'significant views' as identified in the Newtown Villas ACA 'Character Appraisal'. This is specifically in relation to proposed Block B1 which will project above the roofscape of the properties on Newtown Villas, and the Planning Authority conclude that this would have an adverse impact on the character and setting of the ACA.

12.4.36. Photomontage view no.14 illustrates the visibility of the proposed development from Newtown Villas to the north of the site. It is apparent that the increased scale of the proposed development, when compared to the 2019 consented scheme, will be

visible in this view from the ACA. The ACA Statement of Character describes the most significant views for Newtown Villas, including the following:

View 1: into Newtown Villas from Newtown Avenue looking from north to south. The view from the main road is framed by two large brick piers in the opening of the stone former garden wall. This end of the view is closed by the same stone wall. The view includes the road and paths, oblique views of the house elevations, the roof surface and brick chimneys that punctuate the skyline. Small steps in some of the house gables indicate the difference in level caused by the fall in level of the topography.

12.4.37. The proposed development will be visible in the skyline over the rooftops for properties in Newton Villas. I note that view 1 for the ACA is described with reference to various features within the ACA. None of these features will be obscured by the proposed development, which would be visible in the distant view from the ACA, and not in the foreground setting of the ACA. It is to be expected that skylines, particularly in urban settings such as the subject area, would have punctuations like the apartment blocks proposed in the development. It would be unreasonable in my view to attempt to preserve the distant views out from this ACA, as that would stymie the ability to efficiently deliver housing on accessible and appropriate sites for high density development, such as the subject site. The proposed development, while visible, does not disrupt the character of the ACA in my view, which is formed by features within the ACA extent and immediate foreground. The impact of the proposed development is similar in this sense to the consented 2019 scheme, and while the increased scale in the current application means that the apartment blocks will be visible for a greater extent above the skyline to the ACA, the consented 2019 scheme would have also projected into this skyline to a degree. Overall, I am satisfied that the proposed development will not adversely impact the setting of the ACA, being situated a significant distance away and therefore appreciated as forming the far view to the ACA.

12.5. Height, Scale, Mass and Design

12.5.1. Concerns have been raised regarding the height, scale, mass and design of the proposed development by third parties. The Planning Authority asks that in the event that the Board grants planning permission (contrary to their recommendation) that

conditions are attached to modify the height to proposed blocks B1, B2, B3, B4, D1, E1 and E2.

- 12.5.2. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides clear criteria to be applied when assessing applications for increased height. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards. Including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.
- 12.5.3. I note SPPR 1 of the Building Height Guidelines, which states that it is Government policy to support increased building height and density in locations with good public transport accessibility. Section 3 of the guidelines confirm this, stating that in the assessment of individual planning applications, it is Government policy that building heights must be generally increased in appropriate urban locations, and that there is a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility.
- 12.5.4. SPPR 3 states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. In this case, the development plan includes a Building Height Strategy that indicates the principles to be taken into account when considering building height. The Building Height Strategy includes a range of 'Upward' and 'Downward' modifiers to help guide building height in relation to site specific circumstances. In addition, the Blackrock LAP states in policy BK05 that building height should make a positive contribution to the area and not adversely impact local amenity. Objectives DS1 and DS2 in the LAP are specifically related to the subject site. These link to Map 12 of the LAP which indicates appropriate heights in

Blackrock, including over the subject site. The heights for the subject site range from 3-5 storeys as described in Map 12 of the LAP.

- 12.5.5. The proposed development includes blocks between 1 and 10 storeys in height, and generally, the heights proposed to blocks exceed that described in Map 12 of the LAP. The proposed heights also generally exceed the heights to blocks in the 2019 approved scheme, which ranged from 3 to 8 storeys. A Material Contravention Statement has been submitted by the applicant, and I address material contravenes in section 12.9 below. In this section I set out my planning assessment of the proposed height.
- 12.5.6. I note that the Building Height Strategy for the Development Plan identifies appropriate locations for landmark buildings and that the subject site is not identified for a landmark building. While my assessment will consider the visibility of the buildings proposed, which as a consequence of the proposed scale will invariably highlight the location of the site in wider views, that does not mean that the buildings should be considered 'landmarks'. The scale at which point a building becomes a landmark will greatly depend upon the surrounding urban context, and in my opinion, the proposed buildings are not landmark structures for the purposes of the Development Plan. I also note that the Building Height Strategy in the Development Plan specifically addresses tall buildings in conservation areas and potential impact upon "listed buildings", with a high level of protection to be "given to most valued historic townscape and landscapes" and I have described in detail my assessment of potential heritage impacts in section 12.4 above.
- 12.5.7. In relation to the upward modifiers under the Building Height Strategy, Modifier A relates to the urban design benefits that might arise from a development. In relation to the proposal, it is situated adjacent to Temple Hill Road, a large busy vehicular traffic route, that currently lacks enclosure relative to the scale of this dual carriageway. Modifier A includes circumstances where a proposal would enclose a main street / mark a major crossroads, and in my opinion, this upward modifier would apply to the application scheme. Modifier B relates to the provision of major planning gain, and I consider the public open space proposals included in the development to qualify as significant planning gain, I consider those proposals in more detail in section 12.7 below. Modifier C is applicable to proposals that enable important historic sites to be retained and enhanced, which in my view also applies to the

current proposals which include refurbishment and occupation of protected structures. Modifier D concerns the character of the area, which I outline in more detail below. Modifier E relates to the promotion of higher densities in areas with exceptional public transport accessibility, and as I outline above in section 12.3, the subject site has access to high capacity and frequent public transport. Modifier F relates to the size of the site, being sufficient to set its own context and the subject site is sufficiently large to be considered under that criterion in my view. I am therefore satisfied that these upward modifiers under the plan apply in this instance. With respect to downward modifiers, I consider amenity impact in section 12.5 below and visual impact as part of my wider design considerations in subsequent paragraphs. In relation to the Blackrock LAP, it should be noted that I have also included consideration of design objectives and principles set out in the LAP as part of my design considerations below, however in sections 12.7, 12.9 and 12.10 I also provide further analysis of the proposed development against design objectives and principles under the LAP.

- 12.5.8. In relation to SPPR1 of the Building Height Guidelines, I have described above my assessment of the public transport accessibility of the site in section 12.3 of this report. Subsequently, I am satisfied that the subject site has good public transport links in accordance with SPPR 1. SPPR 4 relates to the development of greenfield or edge of city/town locations for housing, where a greater mix of building heights should be secured and an avoidance of mono-type building typologies (e.g. two storey or own-door houses only). I consider the proposed typology of housing for the site further below, overall, I am satisfied that SPPR 4 is satisfied and that this proposal will diversify housing typology in the area which is currently dominated by two storey / own door houses.
- 12.5.9. I note that in relation to historic environments, the Building Height Guidelines state in paragraph 2.8 that Planning Authorities must determine if increased height buildings are appropriate and that an assessment of the existing character and setting of a place will assist in a robust framework for decision-making. The application is accompanied by an Architectural Heritage Impact Assessment, Historic Landscape Assessment and Historic Landscape Impact Statement. My assessment includes focused consideration of the sensitivities of the site and potential impact upon its historic character and this section should be read in conjunction with my assessment

at section 12.4 above. As a result, I am satisfied that the Building Height Guidelines are satisfied in this regard, and I am able to continue with an application of the criteria under SPPR 3 and 3.2 as part of my assessment.

12.5.10. The first criteria under section 3.2 of the Building Height Guidelines relates to the accessibility of the site by public transport. I note that the Building Height Guidelines refer to 'public transport with high capacity, frequent service'. I have described above in section 12.3 the accessibility of the site to public transport. I note that the National Transport Authority (NTA) describe in their 'Transport Strategy for the Greater Dublin Area' which includes Bray, that "*Heavy rail (DART and Commuter Rail) provides the core high capacity infrastructure and services that are central to the Greater Dublin Area's public transport system.*" Figure 3.1 'Dublin Frequent Transport Services Map' of the strategy also includes the DART service to Blackrock, as well as Dublin Bus Route no.4 that serves the site. As such, I am satisfied that the site can be described as being served by public transport that is high capacity, frequent service, as per the NTA strategy. I am also satisfied that Blackrock DART station can be accessed from the subject site via pedestrian links, being a reasonable walking distance and utilising a straightforward route over easy terrain. The DART services provide direct connections into Dublin City as well as interconnections to other public transport options via other stops, including to frequent bus services (as illustrated in figure 3.1 of the strategy).

12.5.11. The second criterion relates to the character of the area in which the development is located. The subject site fronts onto Temple Road, a double lane dual carriageway forming the N31 National Road and a strategic traffic link into Dublin City. A wide central reservation is situated to the north west of the site. Closest to the site, existing residential development is characterised by low-rise, low-density, stand-alone housing, of either single or two storey in height. However, to the north west of the site, the more recent densification of development is apparent, with large scale commercial buildings (up to 5 commercial storeys in height), situated at the edge of Blackrock District Centre. In the wider vicinity are developments such as the Frascati Shopping Centre, with construction of additional residential storeys underway above the shopping centre (resulting in an equivalent residential height of approximately 8 storeys). In my opinion, the character of Temple Road is currently dominated by the

dual carriageway with the subject site bounded by a high concrete wall on this edge and currently contributing very little to the streetscape.

12.5.12. Proposed Blocks B1, B2 and B3 are 8 and 10 storeys in height, increased by 2 storeys when compared to the 2019 approved scheme. The submitted photomontages illustrate the change in visual impact as a result of this increase in scale. Photomontages 10, 11 and 12 are particularly useful in assessing the scale onto Temple Road. In my opinion, the scale of this vehicular route and urban character of this part of Blackrock, particularly going further west from the site where height to existing buildings increases, justify the proposed increase in height on the site, which in my view can be appropriately absorbed. I think that the quality of the proposed design is also a factor in the consideration of scale, and the overall appearance of the blocks is high quality, allowing for greater scale to be considered and I address the detailed design appearance further below. While the change in height from the approved scheme to the current proposed application is readily visible in the photomontage views, this does not generate any negative visual impact in my opinion, given the locational characteristics surrounding the site. I acknowledge that there are many single and 2 storey dwellings proximate to the blocks, however these are reflective of earlier inefficient development in a location that demonstrates characteristics that can support higher density and therefore more efficient delivery of new homes. To the south of the site, Blocks D1 and E1-E2 will appropriately bookend the open space for Rockfield Park in my view. These blocks in the approved scheme were less visible due to their height at that time, and with a design that was less distinct. In my view, the proposed blocks at this end of the site contribute more to the enclosure of the park and with a design that is enhanced when compared to the approved scheme.

12.5.13. Block A1 is 5 storeys (previously 4 storeys in the approved scheme) and provides a transition in scale to the lower rise properties to the west. The Planning Authority have confirmed that they are content with the increase in height to Block A1. In my opinion, proposed Block A1 which includes a set back to the top floor, provides an appropriate transition not the scale of existing dwellings to the east of the site.

12.5.14. Blocks C1 and C2 reflect the scale and design of the previously approved 2019 SHD. These 3 storey blocks appropriately bookend the setting of St. Teresa's House in my view, while incorporating appropriate separation to that protected structure. I

have already described in section 12.4 above, why I consider that proposed Block C3 should be removed, and with the removal of that block, the visual contribution of St. Teresa's House to the streetscape on Temple Road will be enhanced in my view.

12.5.15. In terms of an assessment of the contribution of the proposed development to the urban neighbourhood (a 3.2 criterion), the proposed development will bring back into use protected structures on the site and will refurbish these heritage assets. The gate lodge will be a publicly accessible café while St. Teresa's House will have an impressive visual presence in views from the south within Rockfield Park.

12.5.16. The proposed development incorporates significant planning gain in the form of publicly accessible open space. To the edge of Rockfield Park, a new public woodland area will be created and formed of retained trees within the site. This will visually form an extension to the park (whilst remaining in private management). The existing large scale boundary wall is proposed to be removed, and new pedestrian linkages created, to encourage utilisation and access by the public of this part of the site and in accordance with the Blackrock LAP. Additional public open space is also proposed within the site itself and forms the setting to St. Teresa's House. While a residential estate railing will mark the boundary between the proposed residential estate and the woodland extension to the park, a permanent opening will be situated to allow permanent access to the public into the open space for the development. In my view, this could be further enhanced through amended boundary treatment to ensure that visually, this public open space feels connected to the park and therefore encourages public use. This can be achieved through the relocation of the boundary railing to enclose the space adjacent to proposed buildings, rather than the public open space itself. With this amendment, I am satisfied that the overall contribution to the urban neighbourhood would be significant and represents important planning gain to the local community. I note that the Planning Authority also request an amendment to the front boundary treatment with Temple Road, however I am satisfied that the submitted details are sufficient in this regard.

12.5.17. In terms of the detailed appearance of the blocks (3.2 criteria including avoidance of uninterrupted walls, contribution to space and materials). The proposed apartment Blocks B1-B3, C1-C2, D1 and E1-E2, incorporate a consistent material palette which focuses on the use of large glazing panels and brick. The proposed design of Blocks

B1-B3 remains essentially as described in the 2019 approved scheme, but with an increase in height by 2 storeys to each block.

12.5.18. A regular bay arrangement is proposed with the use of brick to create a solidity to the building design. While the Planning Authority have suggested that the approved 2019 scheme had a better arrangement to height for blocks D1, E1 and E2, with the use of set backs at top level, in my opinion, the aforementioned apartment blocks in the proposed scheme have greater design conviction in the current application when compared to the 2019 approved scheme, and this is well illustrated in the submitted photomontages. The blocks have an elevation treatment that is broadly consistent vertically in the façade. The design creates a strong frame arrangement around openings, with a material change to the upper floors which distinguishes the 'top' of these buildings. A curved façade features in these blocks, distinguishing their character at this end of the site when compared to Blocks B1-B3. The blocks also frame the St. Teresa's protected structure in views from the south.

12.5.19. In relation to proposed Block B4, the Planning Authority states that as a result of the significant design changes to Block B4 when compared to the 2019 consented scheme, there is a loss of significant landscaping within the north eastern portion of the site that alters the relationship of the development with the public realm. The Planning Authority state that as a result, they considered proposed Block B4 to be contrary to the design objectives of the Blackrock LAP and section 8.2.3.4 (xi) Institutional Lands of the Development Plan. I have compared the proposed Block B4 to the 2019 approved scheme. I concur with the Planning Authority that the current application has altered the design of Block B4 substantially from the approved scheme and that this alteration is detrimental to the landscape arrangement at this end of the site. As a result, the openness of the site, sylvan character and quality of the landscape is reduced in my view. This detraction in open character from the approved 2019 SHD scheme is also particularly important in consideration of policy RES5 and the density of the proposed development.

12.5.20. I note that the submitted photomontages (no.1) illustrate the appearance of proposed Block B4 compared to the 2019 approved block B4. In my opinion, the design changes have downgraded the visual appeal of the Block B4. The increased footprint to Block B4 leaves very little separation to proposed Block B3 and reduces the openness at this end of the site when compared to the approved scheme. The

change in elevation treatment, from a curved corner to straight angular forms, also exacerbates the scale of Block B4 when compared to the approved scheme particularly as Block B4 now has an increased footprint along the street edge. In my view, the approved scheme design for Block B4, would also have a better relationship with the proposed design of Blocks D1 and E1 in the current application, which also include curved arrangements to their facades. By incorporating a similar curvature in Block B4, it would have created a relationship between the blocks as the site turns a corner marking a decrease in scale. As a result, I am not satisfied that proposed Block B4 would satisfy the criteria under section 3.2 of the Building Height Guidelines with respect to detailed design in its current form. Consequently, I am recommending that in the event that the Board determines to grant planning consent, Block B4 should be omitted, and that area of the site landscaped, with the opportunity open to the developer to submit a separate application over this part of the site at a later date. A separate application could reflect the approved design of Block B4 should the developer choose to take that approach. The omission of Block B4 can be secured by condition, and I have included the same in my recommended order below. In my opinion, with the omission of Block B4, the criteria under section 3.2 with respect to detailed design would be satisfied by the proposed development in amended form.

12.5.21. The proposed development will provide increased diversification of housing typology in the area where low rise and self-contained houses dominate. The incorporation of apartments on the site will therefore be a positive contribution to the mix of typologies in the area (a section 3.2 criterion).

12.5.22. Lastly, the section 3.2 criteria under the Building Height Guidelines refers to considerations on daylight and overshadowing. In relation to Building Research Establishments (BRE) criteria for daylight, sunlight and overshadowing, I discuss this in detail below in sections 12.6 and 12.7 of this report. The submission of specific assessments is also referenced in the guidelines and reports sufficient to assess a development of the scale proposed have been submitted. I note the applicant's documents that have informed my assessment, including (but not limited to) the EIAR, Masterplan and Design Statement, Daylight and Sunlight Assessment and Appropriate Assessment Screening Report. I address these specific reports as part of my wider assessment below.

12.5.23. I am satisfied that with the incorporation of design amendments I recommend (as outlined above), the proposed development appropriately incorporates the criteria described in section 3.2 of the Building Height Guidelines which I have had regard to in the preceding assessment. I consider the proposed height, scale and mass to be acceptable for the site. I have considered in detail, the third party and Planning Authority concerns raised regarding the visual impact (and visual amenity impact) of the proposed development, and while I accept that the proposal will be a change to the established context, this is acceptable in my view given the characteristics of the site as described above, with an emerging densification of the area. In my view the proposed scale is appropriate given the urban context of Blackrock and on a site with good public transport accessibility. As indicated in my assessment above, I consider the proposed development to conform with the national planning policy provisions and standards in relation to height. I address material contraventions of the local planning policy framework specifically in section 12.9 below.

12.6. Neighbouring Residential Amenity

12.6.1. I note third party concerns raised in relation to adverse amenity impact, as well as concerns raised by the Planning Authority concerning increased overshadowing, overlooking and overbearance of existing residents as a result of the proposed development. I have addressed the visual impact of the proposed development above as part of my appraisal of the proposed design and am satisfied that visual amenity is not adversely affected. In this section of my report, I address other amenity concerns.

12.6.2. Daylight and Sunlight

12.6.3. I note that the criteria under section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that '*appropriate and reasonable regard*' is had to the BRE guidelines. I also note reference to British Standard (BS) 8206-2:2008 'Lighting for buildings - Code of practice for daylighting', which has subsequently been withdrawn and replaced by BS EN 17031:2018 'Daylight in buildings'. These standards have therefore informed my assessment of potential daylight and sunlight impact as a result of the proposed

development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria.

12.6.4. Section 5 of the BRE guidance notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.

12.6.5. The BRE guidelines state that in relation to daylight to existing buildings:

“Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small...” (para. 2.2.4)

12.6.6. The guidelines also states that if a proposed development is taller or closer than this, a 25° line can be drawn from 1.6m above ground from adjacent properties, and if the proposed development is below this line, then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building.

12.6.7. In relation to existing properties that could potentially be impacted, the BRE guidelines recommend that a proposed development does not reduce daylight levels to a VSC (vertical sky component) to less than 27%, or where this is the case, not more than 0.8 times its former value. The guidelines state that if with a new development in place, the VSC to an existing neighbouring property ‘is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.’ Therefore, the preservation of a minimum VSC of 27% and reductions to no more than 0.8 times the former value, illustrate acceptable daylight conditions to existing properties. In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. This checks main living rooms of dwellings, and conservatories, if they have a window facing within 90° of due south. If with the development in place, the centre of the window can receive more than one quarter APSH, including at least 5% of APSH in the winter months between 21st September and 21st March, then the room should still receive enough sunlight. In relation to overshadowing, BRE guidelines recommend that at least 50% of existing properties rear gardens or

other public / communal amenity areas, should receive at least 2 hours of sunlight on the 21st March.

- 12.6.8. The application includes a Daylight and Sunlight Report, this includes analysis in relation to the existing surrounding dwellings at St. Louise's Park, Barclay Court, Temple Road, St. Vincent's Park and the Alzheimer Society of Ireland. The analysis compares daylight and sunlight levels to these surrounding properties and their associated amenity space in the existing condition (with buildings that formed the previous institutional use of the St. Teresa's site) and with the proposed development in place. I note that demolition works have already been carried out to a number of modern addition buildings to the site, this is as the result of asbestos clearance. However, I am satisfied that an existing site condition for the purposes of this daylight and sunlight assessment can reflect conditions prior to the demolition of those buildings.
- 12.6.9. The submitted analysis demonstrates that in relation to the Alzheimer Society of Ireland building, all windows will achieve either a VSC greater than 27% or a VSC value which is greater than 0.8 times their former value with the proposed development in place. VSC levels range from 20.29% to 32.22%, with all VSC levels of less than 27% not being reduced by more than 20% of the existing condition value.
- 12.6.10. For dwellings in St. Louise's Park, 21 windows have been tested, of these, 14 retain VSC values in excess of 30% and 1 window has a VSC of over 28% with the proposed development in place. The remaining 6 windows have VSC values between 20% and 24%, with reductions of over 0.8 times their former value. However, the report identifies that all of these 6 windows are secondary openings to dual aspect rooms, and therefore the room will remain well lit with the proposed development in place. As the focus of the assessment of daylight is upon how well a room is lit (with assessment of windows to inform this), I am satisfied that properties in St. Louise's Park will retain good daylight levels with the proposed development in place given that effected windows are to rooms that have access to light from additional windows.
- 12.6.11. In relation to Barclay Court, the submitted report demonstrates that all windows have a VSC value in excess of 27% in the proposed development condition, with results between 29% and 36%.

12.6.12. In relation to properties on Temple Road, I note that third parties have indicated that not all windows to all properties have been included in the analysis. Specifically, downstairs windows to no.'s 70, 72 and 78 Temple Road. Having visited the site, I concur with third parties that windows have been omitted in the analysis to some properties, with this largely arising in relation to extension to the properties. The submitted analysis demonstrates that all tested windows, retain a VSC in excess of 27%, with results ranging from 27% to 37%. For no.70, results range from 27% to 30%, for no.72 results range from 29% to 31% and for no.78 results range from 30% to 31%. While not all windows to these properties have been tested, I am satisfied that given the proximity of omitted windows to tested windows, results would be reflective of the ranges I set out above, and therefore would satisfy BRE guideline levels.

12.6.13. In relation to properties in St. Vincent's Park, the submitted report demonstrates that all windows achieve either a VSC greater than 27% or a VSC value which is greater than 0.8 times their former value with the proposed development in place. Of the 37 windows tested, 32 windows have a VSC greater than 27% in the proposed development condition, with results ranging from 27% to 33%. Of the remaining 5 windows, 1 has a VSC of 20% in both the existing and proposed condition and therefore experiences no change; 3 retain VSC levels of not less than 90% their former value; and 1 has a VSC less than 27%, but not less than 80% its former value. As a result, all windows satisfy minimum BRE recommended VSC levels for existing properties and will either experience well daylight conditions or a change that is imperceptible from their existing condition, with the proposed development in place.

12.6.14. In terms of potential impact upon sunlight to existing dwellings windows, the submitted analysis describes those properties assessed in conformity with the guidelines around considerations of proximity and orientation of a proposed development to existing receptors. I am satisfied that no other properties would require analysis in this regard as no significant impact will occur. The results in the submitted report confirm that all analysed existing windows for the Alzheimer Society of Ireland building, Barclay Court, Temple Road and St. Vincent's Park will meet or exceed target APSH levels described in the guidelines and highlighted above. For St. Louise's Park, of the 17 windows tested, 3 will experience annual APSH results greater than 25%, but winter APSH levels will be both less than 5% and reduced by

more than 0.8 times their former value with the proposed development in place. However, the winter APSH level for each of these windows ranges from 4.5% to 4.9% and therefore the deviation is very marginal in my view. I am therefore satisfied that all properties will continue to receive adequate sunlight to windows with the proposed development in place in broad accordance with recommendations in the BRE guidelines. I also note that sunlight is not a specific requirement under the Building Height Guidelines, as they refer to daylight or light more generally.

12.6.15. In relation to overshadowing, the submitted analysis considers potential impact upon all existing rear garden areas for St. Louise's Park, St. Vincent's Park and Barclay Court, as well as other open spaces that adjoin the subject site boundary. All existing rear gardens, as well as the grounds of the Alzheimer's Society and Rockfield Park, will continue to receive at least 2 hours of sunlight on 21st March over at least 50% of their area in the post development condition, satisfying BRE target levels. For Temple Road, I note third party concern regarding the overshadowing of front garden areas. The BRE guidelines recommendations concern overshadowing to rear gardens as the main amenity area of a property. However, I note the comments from third parties that front garden areas are used as an amenity space given their southerly aspect. The applicant's report has included these front garden areas in the submitted analysis and in the proposed condition, all of the front garden areas to properties in Temple Road will experience more than 2hrs of sunlight over more than 90% of the area on the 21st March, exceeding BRE minimum recommended levels.

12.6.16. I note third party concern regarding the level of analysis provided with respect to daylight, sunlight and overshadowing, however I am satisfied that the applicant has satisfied planning policy requirement in following the methodology set out in the BRE guidelines and no further analysis or diagrams are required with regard to impact on existing properties.

12.6.17. Overall, I am satisfied that the proposed development will not have significant negative impacts upon surrounding existing properties daylight, sunlight or from overshadowing, and consider the proposal compliant with the BRE criteria, Building Height Guidelines and the Development Plan in this regard.

12.6.1. Overlooking (Privacy)

- 12.6.2. My assessment of the potential for overlooking of adjacent areas considers the location of windows, balconies and terrace areas within the proposed development, to habitable room windows in surrounding residential dwellings. Objections have been received from residents in properties that adjoin boundaries to the development site, with concern that both private garden areas and windows will be overlooked.
- 12.6.3. The Dún Laoghaire Rathdown Development Plan 2016-2022 states in relation to the separation between blocks, that a minimum distance of 22m between opposing windows will normally apply to apartments up to three storey, and in the case of taller blocks, a greater separation distance may be prescribed.
- 12.6.4. Block A1 is situated approximately 20m to the rear boundary of properties in Barclay Court and between 30-33m to the rear elevation of these properties. Block A1 is also over 30m to the building line of the Alzheimer's Society building. The Separation between proposed Blocks B1, B2 and B3 to properties on Temple Road is over 39m. Block B1 is also over 27m away and Block C1 is 26.6m away from the building line for the Alzheimer's Society building. Block B4 is over 40m away from properties on Temple Road and over 45m away from the boundary with properties on St. Vincent's Park. Block D1 is over 45m away from properties in St. Vincent's Park. At its closest, Block E2 is situated 22m away from the rear elevation of properties in St. Louise's Park.
- 12.6.5. In my opinion, adequate separation distances are demonstrated to all surrounding residential properties and as a result, I am satisfied that the proposed development does not result in unacceptable overlooking and associated adverse impact upon the privacy of adjacent properties.
- 12.6.6. Noise
- 12.6.7. I note third party concern that the creation of a new side road adjacent to an existing property will result in noise disturbance. In my opinion, the proposed route would be reflective of general residential connections in the area and is a logical street layout enhancing connections through the area. I am satisfied that use of this proposed access road will not result in significant or undue noise or disturbance.
- 12.6.8. Trees and Screening

12.6.9. I note third party comments in relation to the removal of trees and associated screening benefits, both visually and from noise. I address tree removal specifically as part of my EIA at section 13 below and the proposed landscape design in section 12.7 below. In relation to screening, I am satisfied that the proposed design, which incorporates c.200 new trees including tree lines along all boundaries to the site, is sufficient to replace those trees that it is necessary to remove to facilitate the development of these lands zoned for residential development, and will replace the amenity of those trees to be lost. I am also satisfied with the visual impact of the proposed development in terms of design and layout, and that it is sufficiently separate to surrounding residential dwellings, as outlined above, therefore in my opinion, trees are not necessary to obscure the proposed development structures in any case.

12.6.10. Traveller Community

12.6.11. I note third party concern that the proposed development will adversely impact the traveller community at St. Louise's Park. St. Louise's Park is situated to the north west of the site and accessed via the entrance to the Alzheimer's Society grounds. I visited this area and viewed the subject site from St. Louise's Park. I have described above my assessment of amenity impacts which includes consideration of the properties at St. Louise's Park. The proposed development will not displace that community or generate impacts particular to the travelling community located there. My assessment has considered potential impacts upon all surrounding existing residents, including those at St. Louise's Park and I am satisfied those impacts are within acceptable parameters.

12.7. **Proposed Residential Standards**

12.7.1. In this section of my report, I address the range of applicable standards guiding an appraisal of the quality of proposed accommodation. It should also be noted that a number of third parties have suggested that the proposed development does not accord with the 2015 Apartment Guidelines, however the most up to date Apartment Guidelines were adopted in 2020, and it is these current standards, alongside local planning policy considerations, that have informed by assessment below.

12.7.2. Daylight, Sunlight and Overshadowing

- 12.7.3. I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. The Apartment Guidelines states that levels of natural light in new apartment developments is an important planning consideration and regard should be had to BRE standards. I also note that the Development Plan in section 8.2.3.1 asks that sunlight/daylight standards be taken into account when assessing development proposals.
- 12.7.4. A Daylight and Sunlight Report has been submitted with the application and describes the performance of the development against BRE guidelines in relation to daylight and sunlight. BRE guidelines describe ADF targets of 2% for kitchens, 1.5% to living rooms and 1% to bedrooms. In the proposed development, where kitchens form part of living areas the applicant has applied an ADF of 2% to these areas. The analysis also includes results against a 1.5% target but this is only in addition to an initial appraisal against a 2% ADF value for open plan living/kitchen/dining spaces. The applicant's assessment presents analysis of the lowest floor of accommodation to each block, presenting the results of upper floors where lower level accommodation did not meet BRE target ADF levels. This is an appropriate approach in my view as daylight conditions will generally improve in a building vertically, so if daylight conditions are met at the lower level, it can be assumed upper level units also comply.
- 12.7.5. The submitted report describes a compliance rate of 99% for bedrooms, 87% for open plan living/kitchen/dining rooms, giving a total compliance rate of 94% for accommodation in the proposed development. When using a reduced 1.5% ADF value for open plan living/kitchen/dining rooms, the compliance rate for those open plan rooms increases to 94%, and to 97% for the development overall.
- 12.7.6. Both the Building Height and Apartment Guidelines state that where a proposed development cannot demonstrate that it meets the BRE daylight provisions, compensatory measures should be described:

“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.” (page 14 section 3.2 criteria Building Height Guidelines).

12.7.7. The applicant has outlined the compensatory measures incorporated into the development in light of the relatively small number of rooms that do not conform with BRE minimum recommended ADF values. This includes the fact that 91.68% of the proposed apartment units have a floor area greater than the minimum floor area requirements and it should be noted, that these increased floor areas make it harder to achieve BRE recommended values, with additional floorspace increasing areas further away from the window. In addition, the incorporation of balconies is noted as generating reduced daylight levels to windows below. I am familiar with this constraint caused by overhanging balconies reducing daylight and sunlight to rooms below. In my view, the provision of external private amenity in a development should not be overtly curtailed in order to achieve BRE targets relating to daylight and sunlight. The BRE guidelines describe the ways in which balconies and private amenity space might be designed to reduce potential obstructions, most notably by avoiding locating balconies above living rooms below. However, there are other design advantages that result from a ‘stacked’ balcony layout that require consideration. It is good practice for balconies to be attached to the main living space for a unit, as is the case in the proposed development. The floorplan in the proposed development is then generally a ‘stacked’ arrangement, with matching room uses reflected vertically through the scheme. This reduces potential conflict occurring, where a resident might be using a living room directly above another resident’s bedroom etc. Allowing for the necessary attachment of a private amenity space to the living space in each unit, it is inevitable that the balconies will then be located in a ‘stacked’ formation and above living rooms – thus reducing the available daylight (and sunlight) to these rooms. The external aesthetic and design of a building is also informed by the arrangement of balconies and a ‘stacked’ arrangement may be preferable for this reason too. A further compensatory measure is the extensive open space provided as part of the proposed development,

with 38% of the overall site area provided as public open space. An additional 15% of communal open space is also provided above minimum standard levels.

12.7.8. Overall, and with reference to the performance of the proposed development against the minimum ADF levels set out in BRE methodology of 1% (bedrooms) and 2% (open plan rooms), I am satisfied that the applicant has demonstrated adequate daylight levels within the proposed development. This is specifically in light of the identification of compensatory measures as required in section 28 guidelines. In reaching this conclusion I am mindful that the BRE guidelines state in paragraph 1.6 that:

“The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer.

12.7.9. **And, specifically that:**

*“Although it gives **numerical guidelines**, these **should be interpreted flexibly** since natural lighting is only one of many factors in site layout design.”* (My emphasis).

12.7.10. In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. The APSH criteria involves an assessment of the level of sunlight that reaches the main living room window to determine the number of windows with an APSH level greater than 25% on an annual basis or 5% on a winter basis. The submitted report demonstrates that 48% of the proposed windows meet the annual target with 58% meeting the winter target. Similar to the consideration of daylight levels above, the location of balconies is highlighted by the applicant as being a key factor in reducing sunlight levels to some of the proposed units, alongside some northerly facing units. However, I note that over 50% of the proposed development is dual aspect and there are no single aspect due north facing units included in the proposal.

12.7.11. I am satisfied that the orientation of the proposed blocks has sought to maximise sunlight penetration into the accommodation, while addressing street interface and enclosure of open spaces. I also note that the proposed units with reduced APSH levels will have balconies that achieve greater sunlight levels which provides an amenity in itself. As indicated above, there are other design considerations surrounding the provision of balconies and therefore the reduced sunlight levels to some units is a necessary consequence in my view, and not as a result of poor

development design or overdevelopment of the site. The predominance of proposed units will achieve minimum BRE APSH target levels, which in light of the foregoing, is acceptable in my view. I also note that the Apartment Guidelines does not refer to sunlight and only to daylight, while the Building Height Guidelines refer to daylight or light more generally, and therefore sunlight to windows is not a specific consideration under those guidelines.

12.7.12. In relation to overshadowing, the submitted analysis is of communal amenity areas to the proposed apartment blocks and duplexes. This demonstrates that all proposed communal external amenity areas for apartment blocks and duplexes in the proposed development will achieve BRE target levels.

12.7.13. Overall, I am satisfied that the proposed development will experience acceptable daylight, sunlight and overshadowing conditions and that it does accord with criteria described in the BRE guidelines, albeit, in recognition that this guidance is flexible and requires a reasoned judgement to be made on all aspects of design.

12.7.14. Dual Aspect

12.7.15. As outlined in section 12.3 above, I am satisfied that the subject site is located in a central and accessible urban location as defined by the Apartment Guidelines. As a result, SPPR 4 requires a minimum of 33% of proposed units to be dual aspect. The proposed development incorporates 52% of units with dual aspects, exceeding the minimum requirements for a site of this type. I note third party concern that the design of dual aspect units is not reflective of a 'true' dual aspect in all cases. I can confirm that I have reviewed the submitted drawings and am satisfied that all dual aspect units are designed to an appropriate standard and reflective of what would normally be accepted as a dual aspect unit by the Board.

12.7.16. Internal Space Standards

12.7.17. SPPR 3 of the Apartment Guidelines sets out the minimum floor area for apartment units. The Development Plan states that National Guidelines for minimum apartment floor area apply in section 8.2.3. Reference is given in the plan to previous National minimum floor space areas; however I am satisfied that the intention of the Development Plan is that National Guidelines for floor area should apply in general, and therefore in my view, the current National standards in this regard would supercede local planning policy.

12.7.18. All units in the proposed development comply with the minimum floorspace areas set out in SPPR 3 and the majority of proposed units also exceed minimum floorspace sizes by 10% in accordance with the Apartment Guidelines.

12.7.19. Floor to Ceiling Heights

12.7.20. The proposed development exceeds a minimum floor to ceiling height to 2.7m at ground floor in accordance with SPPR 5 of the Apartment Guidelines.

12.7.21. Number of Apartments to a Core

12.7.22. The proposed development does not exceed 12 apartments per core in accordance with policy standards described in the Apartment Guidelines.

12.7.23. Privacy

12.7.24. I note that the Planning Authority has raised concern regarding the separation distances between a number of blocks within the scheme. Particularly Block B3 and B4, Block A1 and B1 and Block E1 and E2, with a separation of between c.6m and 8m.

12.7.25. In relation to proposed Block B4, I am recommending that this be removed and as a consequence, the separation to proposed Block B3 would be increased and therefore no adverse impact in relation to future occupiers privacy would result. In relation to the separation between proposed Blocks A1 and B1; and proposed Blocks E1 and E2, I share the concerns raised by the Planning Authority. The separation here is 6m and 8m respectively and would not reflect normal separation that is accepted in apartment schemes in my opinion (generally being no less than 10m). However, the submitted drawings show that windows on these adjacent elevations in the blocks are generally secondary in nature, or if not, face a window that is secondary, with the alternative face to the block providing the main window. As a result, it is possible to include a condition that requires the submission of revised plans showing the inclusion of obscure glazed windows within these opposing elevations for Blocks A1 and B1; and E1 and E2, for at least one window in all direct window facing relationships. All other blocks are separated to an adequate extent, and with the incorporation of this amendment, I am satisfied that adequate privacy would be retained to future occupiers of the proposed development.

12.7.26. Private Amenity Space

12.7.27. All units within the proposed development have access to private amenity space in the form of a balcony or terrace and all of these amenity spaces meet minimum space standards described in the apartment guidelines and development plan.

12.7.28. Communal and Public Open Space

12.7.29. As described above, the application site is subject to the INST objective (institutional lands) under the zoning map for the Development Plan. Policy RES5 states a minimum open space provision of 25% of the total site area is required or a population based provision in accordance with Section 8.2.8.2 of the plan, whichever is the greater. Development plan section 8.2.8.2 sets out requirements for public open space and the provision of less than 20 sq.m. per person of open space will only be considered acceptable in instances where exceptionally high quality open space is provided on site.

12.7.30. The proposed development incorporates 15,099.7sqm of open space, comprising 11,572.3sqm public open space and 3,527.4sqm of communal open space. This equates to a provision of 17.9sqm per person, less than the 20sqm minimum requirement under the Development Plan as set out above. However, the Development Plan states that acceptance of less than this minimum per person quantum may be accepted, where exceptionally high quality open space is provided on the site.

12.7.31. The proposed open space is described in a submitted Landscape Design Report and drawings. The proposed landscape design has been informed by the existing woodland setting to the south west of the site and the protected structures on the site, most particularly St. Teresa's House. There are also a number of mature and visually striking trees of high quality that have been retained and informed the design of the landscape that they surround. This is broadly in keeping with principles set out in the urban design framework under the LAP and I am satisfied that the sylvan character of the site is preserved and enhanced as a result.

12.7.32. To the south of St. Teresa's House, an open lawn area is proposed populated by large retained trees at it's edges closest to the house. A woodland area that effectively forms an extension to Rockfield Park is situated further to the south. This is reflective of the historical planned landscape that would have originally created the setting to the house. A gap between proposed Blocks E1 and D1 provides a visual

connection through this landscape from St. Teresa's House into Rockfield Park and on to views of the Dublin Mountains beyond, reflecting the original intention of views from the site. I am satisfied that the proposed landscape design is of exceptionally high quality, and in reaching this conclusion, I am mindful not only of the high quality landscape materials (natural stone, flags, gravel) and extensive proposed tree planting, alongside tree retention, but also of the intentional and carefully considered arrangement of the landscape to preserve the original planned landscape and sylvan setting of St. Teresa's House. In addition, the publicly accessible character of much of the proposed open space with an effective visual extension of the Parkland area should be seen as a significant benefit of the proposal in my view.

12.7.33. The proposed arrangement of landscape is also broadly reflective of the LAP urban framework strategy for the site. I note that the proposed design does not present an orthogonal arrangement to Temple Road and this was previously accepted in the 2019 SHD scheme. I am satisfied that an orthogonal arrangement would not address the street as well as the proposed development and the overall landscape quality has not suffered as a result. In addition, with the removal of Block B4, open space to Temple Road would be increased.

12.7.34. While I note that the Planning Authority has concerns regarding the proposed open space arrangement and conformity with the urban framework, I am satisfied that the key components are reflected in the proposed design and ensures an open visual connection between the open spaces for the site. This is with the exception of proposed Block B4 as detailed in the current submission, and I have already described in detail in section 12.5 why I consider Block B4 should be removed. With the incorporation of the omission to Block B4, I am satisfied that the Development Plan requirements concerning open space on Institutional Lands is satisfied.

12.7.35. Mix

12.7.36. I note third party concern regarding the mix of units proposed in the development. I also note the Planning Authority concern in relation to the provision of own door apartments and Objective DS7 of the Blackrock LAP.

12.7.37. In relation to the provision of own door apartments, I can confirm that the applicant states in submitted documentation that the proposed development includes a number

of own door apartments. Objective DS7 requires the provision of own door units facing Rockfield Park as follows:

“...ensure that new development will address Rockfield Park and shall provide for active residential frontage and a high level of passive supervision. The layout and design shall incorporate a mixture of residential typologies - including own door units - along the boundary with Rockfield Park...”

12.7.38. From the Plans, it is apparent that units at ground floor in Blocks E1, E2 and D1 have windows, balconies and terrace areas facing the park, in addition, doors are provided onto these elevations facing the park. These doors do not form the main entry door for the units, but would function as a secondary door / back door typology. I am satisfied that the level of activity and passive supervision at this end of the site is high as a result, and that the plans do incorporate doors to units on these facades. As a result, I am satisfied that Objective DS7 in the LAP is complied with.

12.7.39. There are a number of other objectives within the Blackrock LAP concerning residential mix which I address specifically in section 12.9 below in relation to material contraventions. The Development Plan states that a variety of housing types and sizes should be provided. SPPR 1 of the Apartment Guidelines states that up to 50% of a proposed development may comprise 1 bedroom units, with no more than 20-25% being studio units.

12.7.40. The proposed development comprises 3% studios, 45% 1 beds, 43% 2 beds and 9% 3 beds, in compliance with SPPR 1. I am also satisfied that the mix of unit sizes and provision of apartment and duplex units will contribute to greater variety in terms of the overall housing mix of the area in accordance with the Development Plan.

12.7.41. I am recommending amendments to the proposed development which would result in a change to the mix I describe above, specifically with the removal of Block B4 comprising 41 no. apartments (4 no. studio units, 4 no. 1 bed units, 27 no. 2 bed units and 6 no. 3 bed units); the removal of Block C3 and the replacement of the amenity facilities in that block into the ground floor of proposed Block C1 (resulting in the removal of 1x studio, 1x 1 bed and 2x 2 bed units); as well as the replacement of first floor in Block C2 with additional creche floorspace (resulting in the removal of 2x 1 bed and 2x 2 bed units).

12.7.42. As a consequence of the above amendments, should the Board agree with my recommendation, the mix of the proposed development would comprises a total of 443 units, formed of just over 50% studio and 1 bedroom units, which would not comply with SPPR 1. Therefore, I am recommending a further amendment, to alter the design of the ground and first floors of Block D1 and to a studio and 1 bed unit that is located adjacent to each other on each of those floors, to form a 2 bed unit on each floor in their place, resulting in a mix as follows:

Housing Type	Studios	1 bed	2 bed	3 bed	Total
No. of Apartments	11	211	180	41	443
%	2%	48%	41%	9%	100%

12.7.43. This ensures compliance with SPPR 1 and I have included a condition regarding the same in my recommended order below that the Board can rely upon should they agree with my recommendation.

12.8. **Traffic and Transport**

12.8.1. Traffic Impact

12.8.2. I note third party concern regarding the impact that the proposed development would have upon vehicular congestion in the area and that the data submitted is inaccurate. The applicant has submitted a Transportation Assessment Report and traffic is also addressed as part of my EIA in section 13 below.

12.8.3. The Transportation Assessment Report demonstrates that analysed junctions will continue to operate within capacity with the proposed development in place. Future scenarios are also analysed with account for committed development in the area as well as traffic that would be associated with the St. Catherine's LAP lands, with junctions only approaching capacity levels in the Design Year 2040. Traffic levels at the access road are also demonstrated to experience no significant increase in traffic levels as a result of the proposed development. While traffic associated with the creche and café are not accounted for, I am satisfied with the reports explanation on this, and that as the levels would be low for these ancillary uses to the main residential development, it is not necessary to include them. Therefore, I am satisfied

that the submitted data supports a conclusion that the proposed development will not exacerbate traffic congestion in the area.

12.8.4. I note third party concern regarding the reference in the Transportation Assessment Report to St. Vincent's Park comprising approximately 30 dwellings, when in fact there are 40 dwellings. This has no bearing upon the data presented and conclusions reached in my opinion, the statement in the report concerning St. Vincent's Park is merely in relation to indicating that that existing estate generates low traffic flows, and the same would be the case for an estate of 40 dwellings. In addition, the data presented in the report is based upon traffic counts and therefore is not assimilated upon the basis of the number of dwellings. Therefore, this statement in the report has no bearing upon the junction data for traffic flows presented.

12.8.5. Overall, I am satisfied that the submitted Transportation Assessment Report is sufficiently comprehensive in order to support my assessment, and I concur with the conclusions reached, that no significant impact will result from the proposed development upon the surrounding traffic network.

12.8.6. DMURS and Road Safety

12.8.7. A DMURS Statement of Consistency is appended to the Transportation Assessment Report. This details how the design of the proposed development is consistent with the principles of DMURS. A Stage 1 Road Safety Audit and Quality Audit is also appended to the report and I note third party concerns with regard to traffic safety. The road safety audit identifies 5 'problems' with the layout of the proposed development in terms of transportation design or safety considerations. This is an entirely normal process that development proposals undertake as part of ensuring optimum and safe transportation design. The audit includes confirmation that each of the identified 'problems' has been accepted by the design team and will be addressed as part of the final design, for example, I can confirm that a public light column identified in the audit to be too close to the road, has been move back in the submitted drawings. Other matters will be addressed through signage and detailed design. I am therefore satisfied that the application has appropriately addressed each of the matters raised in the Safety and Quality Audit.

12.8.8. Vehicular Access

- 12.8.9. I note third party concern regarding the adequacy of proposed vehicular access arrangements. Concern is also raised that there is a lack of safe access for vehicles exiting St. Vincent's Park to the main junction with Temple Road / Temple Hill.
- 12.8.10. The site red line incorporates area adjacent to Carmond house to allow a redesigned access to St. Vincent's Park. Currently access to St. Vincent's Park is directly onto Temple Road and there have been a number of accidents recorded historically at this junction. The submitted Transportation Assessment Report explains that the proposed design largely reflects the previous arrangements approved as part of the 2019 SHD consent, with some minor amendments that reflect agreed layouts with the Dún Laoghaire Rathdown Roads / Transportation Officials. The proposed design alters the exit / access to St. Vincent's Park, to interconnect with the access road to the development site. The proposed access road to the development site then incorporates a signal controlled entry and exit, with two exit lanes (left / straight and right) and one entry lane. A raised table is situated at the access to St. Vincent's Road to slow traffic before exiting onto the development access road. Cycle lanes and pedestrian footpaths are also incorporated. The Planning Authority's Transportation Team have not raised any concerns with the proposed design and having visited the site, I am satisfied that the proposed access arrangements represent an improvement on the existing road layout and will be a safer than current conditions.
- 12.8.11. I note third party comments in relation to safe pedestrian crossing over Temple Road. There is currently pedestrian crossing infrastructure in place, which I used when I visited the site. I am satisfied that the proposed development will enhance pedestrian safety through the provision of a safer vehicular entrance to the site and no further infrastructural improvement is required to be delivered as part of the development itself, with further upgrades within the remit of the Local Authority.
- 12.8.12. I am satisfied that the submitted documentation, data and drawings, all support a conclusion that the access design is safe and has been designed to appropriately and safely manage traffic exiting and accessing the development site and interconnected areas to this road, including St. Vincent's Park.
- 12.8.13. Car Parking

- 12.8.14. I note third party concern that the quantum of parking included for the proposed development is inadequate and will lead to on street parking in surrounding areas. The Planning Authorities Transportation Planning Section have also raised concern regarding what they consider to be under-provision of car parking, however the Chief Executive Report states that the Planning Authority is satisfied that the reduction in car parking is acceptable at this location. I also note third party reference to comments on car parking in application ABP Ref.309696-21 which relates to the pre-application case file for this subject site, and I have summarised the pre-application at section 5 of my report above.
- 12.8.15. The proposed development includes provision for 260 dedicated Car Parking Spaces, formed of 91 surface residential car parking spaces and 161 basement car parking spaces spread across basement areas A, B and D. Of the residential car parking spaces, 13 are accessible spaces amounting to 5%. This amounts to a total of 252 residential spaces, equating to provision of 0.51 car parking spaces per a residential unit. In addition, 8 car parking spaces are proposed for the creche, one of which is an accessible space.
- 12.8.16. I note that the Dún Laoghaire-Rathdown Development Plan gives a car parking standard of 1 space per 1 bed unit and 1.5 spaces per 2 bed unit for apartment development. Section 8.2.4.5 specifically states that car parking standards are a *'guide on the number of required off-street parking spaces acceptable.'* The principle objective of the standards is described in the plan to have appropriate consideration of government policy aimed at promoting a modal shift to more sustainable forms of transport. As the standards are expressed as a 'guide', in my opinion they do not outline a minimum requirement.
- 12.8.17. The Apartment Guidelines state in relation to car parking in central and/or accessible urban locations, such as where the subject site is located, that the default is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The guidelines are explicitly that this should be specifically applied to sites that are a 10 minute walking distance to DART services. I have described in detail the accessibility of the subject site to public transport in section 12.3 above. As the site is situated a 10 minute walk to Blackrock DART Station, this supports the provision of reduced car parking in my view, and I note that the Planning Authority concur with this approach.

- 12.8.18. In relation to the previously approved 2019 SHD scheme on the site, this included a ratio of approximately 0.9 car parking spaces per a residential unit, and therefore the proposed development represents a further reduction on those levels. However, I am satisfied that this reduced car parking provision is reflective of what has become increasingly accepted by Planning Authorities and the Board as the appropriate response to encouraging sustainable transport use in accessible areas, including the location of the subject site.
- 12.8.19. I note concern that the provision of visitor car parking is not adequately described in the submission. The submitted Transportation Assessment Report includes an appended Car Parking Management Plan. I concur that there is no clear indication of what the arrangement is for visitor car parking, however I am satisfied that adequate management arrangements can be put in place to accommodate visitor car parking to the site. Therefore, I have included a condition within my recommended order below to require that a final car parking management plan explicitly address arrangements for visitor car parking, which can be adopted by the Board should the agree with my recommendation.
- 12.8.20. The submitted report outlines the intention to provide 6 car club spaces and I have included a condition to secure this in my recommended order below. This will support the reduced car parking on the site and as part of a suit of measures, assist in discouraging private car ownership, which will in turn, reduce the likelihood of overspill on street parking into surrounding areas. The incorporation of large numbers of bicycle parking, car club spaces and the sites close proximity to public transport as well as the District Centre for Blackrock, will all encourage reduced reliance on the private car by future occupiers of the proposed development in my opinion.
- 12.8.21. In relation to electric vehicle (EV) charging points, the proposed development incorporates 50 EV charging spaces equating to 10% of the total number of car parking spaces provided. In addition, all spaces will be capable of future retrofitting to accommodate EV charging points if required in future. This can also be secured by condition.
- 12.8.22. As a result of the foregoing, I am satisfied with the quantum of car parking proposed and that this site and the characteristics of the proposed development make it appropriate for support reduced car parking provision.

12.8.23. Bicycle Parking

12.8.24. The Apartment Guidelines give a general minimum standard of 1 cycle storage space per bedroom and 1 cycle storage space per every 2 residential units. This is not a specific planning policy in the guidelines and is expressed as a 'general' approach, it is therefore not a requirement to conform with this standard.

12.8.25. The proposed development incorporates 804 residential bicycle parking spaces, and 252 visitor bicycle parking spaces, which exceeds the minimum levels described in the Apartment Guidelines.

12.8.26. I note the Planning Authority's Transportation Planning Teams comments in relation to the proposed cycle parking, and that the provision of a single lift to serve the proposed cycle parking at Block D is unacceptable, that the proposed ramp is not suitable for cyclists and that the proposed lift is too small for cargo bikes. The Transportation Planning Team recommend refusal of the application on this basis. However the Planning Authority's recommendation does not reflect this and they recommend conditions in relation to the cycle provision (should the Board disagree with their recommendation to refuse the application based upon other reasons described throughout this report and particularly in sections 9 and 12.10).

12.8.27. I am satisfied that the provision of a single lift to serve cycle access to the basement of Block D is acceptable. While I note the comments in relation to Cargo bikes, I am satisfied that there is the option of both basement and surface cycle storage areas for residents, and therefore a range of different bicycle types can be accommodated in the proposed development in my view. In relation to the ramp, I concur with the Planning Authority that this matter can be adequately addressed through conditions, and have included the same in my recommended order below.

12.8.28. Public Transport

12.8.29. I note third party concern regarding public transport capacity in the area. The submitted Transport Assessment Report considers public transport in section 6.2. This describes the availability of different bus routes to the site, including Dublin Bus services 4, 7, 7A, 7D, 46E and 84/84A, with frequency ranging between 12 and 30 minutes during peak hours. In terms of future bus services, the report explains that as part of the planned Bus Connects works, accessibility to the site by bus would be further enhanced, if those works were to take place. As outlined above, the site is

within a 10 minute walking distance to DART services at Blackrock Station, with trains there running at a frequency of approximately every 10 minutes during peak hours. The submitted report also describes the Government and NTA plans for a new DART+ upgrade, with enhanced service to Bray / Greystones on the Blackrock line and the purchase of additional trains to support new and enhanced DART services.

12.8.30. As outlined in section 12.3 of this report above, the NTA define the DART service as the core high capacity infrastructure for Dublin in their 'Transport Strategy for the Greater Dublin Area'. In considering the capacity of bus services, in my opinion a key consideration is the frequency of services, and as confirmed in Figure 3.1 'Dublin Frequent Transport Services Map' of the strategy Dublin Bus Route no.4 that serves the site is included as a high frequency service.

12.8.31. In my opinion, the scale of the proposed development would not be expected to create significant additional strain upon public transport capacity in the area. The Planning Authority have not highlighted any concerns in this regard, and government policy is to promote a shift in commuting practices to public transport as a more sustainable transport mode. I am satisfied that the existing public transport provision in the area has been highlighted and would accommodate the proposed development.

12.8.32. I note a third party concern regarding the inclusion of a condition on the previously approved 2019 SHD regarding a bus stop. Condition no.7 of previously approved SHD in 2019 (ref.303804) states that the developer should liaise with the National Transport Authority (NTA) to agree the location and design of a bus stop along the Temple Road frontage, to be provided prior to the commencement of the development. This arose from the consultation response on that previous application from the NTA requesting the same. The NTA have not responded to the consultation on this current application, however the Planning Authority have included the same wording in their recommended conditions and I concur with this approach. Therefore I have included a condition regarding the same in my recommended order which can be relied upon by the Board should they agree with this approach.

12.9. **Material Contravention**

12.9.1. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that subject to paragraph (b), the Board may decide to

grant a permission for strategic housing development in respect of an application under section 4, even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned. Paragraph (b) of same states 'The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land'.

12.9.2. Paragraph (c) states '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, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'.

12.9.3. The applicant has submitted a Statement of Material Contravention with the application identifying a number of potential areas that may be considered material contraventions of the Development Plan. The public notices make reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b) of the Act. I note third party representations that the proposed development would not satisfactorily meet tests under national policy relating to material contraventions of the development plan, as well as suggesting additional matters that equate to material contraventions of the plan, and I set out my assessment of the application in relation to this below.

12.9.4. Building Height

12.9.5. The applicant's Material Contravention Statement identifies the following policies and objectives within the Blackrock LAP relating to height:

- Policy BK05 "It is Council Policy to ensure that Building Height within future developments in Blackrock makes a positive contribution to the built form of the area and do not adversely impact on local amenity."
- Policy SH1 "It is an objective of the Council to ensure that building height in Blackrock is in accordance with the building height limits set out on Map 12, The Height Sensitive Areas (as identified on Map 12) and Objectives DS1 & DS2 and CS1 and CS2 (St Teresa's, Dunardagh and Cluain Mhuire Site

Framework Strategies), Objective ES1 (Section 3.5.3 'Former Europa Garage Framework Strategy') and Objective FR7 (Section 7.7.1 'Redevelopment of Blackrock and Frascati Shopping Centres') and shall have regard to Development Guidance set out in Section 7.7.2."

- Objective SH2 "It is an objective of the Council to require all development proposals, including infill development, include an analysis of the impact of building height and positioning of buildings on:
 - The immediate & surrounding environment - streetscape, historic • Character
 - Adjoining structures
 - Open spaces and public realm
 - Views and Vistas"
- Design Objective DS1 "It is an objective of the Council that any redevelopment of the St. Teresa's and Dunardagh lands shall incorporate a range of building heights in accordance with the limits set out on Map 12. Notwithstanding the maximum height limits identified, the Planning Authority would have to be satisfied that the proposed development for the entire site provides for a range of building height that is respectful of the site's topography, natural and built heritage and that would enhance the overall visual character of the area and would afford adequate protection of the residential amenity of existing adjoining properties, in particular those which are in either close proximity to or about the site boundary such as Barclay Court and St Vincent's Park."
- Design Objective DS2 "It is an objective of the Council that building heights within those areas identified on Map 12 as 'Height Sensitive Areas' shall take particular cognisance of the setting of the Protected Structures and shall not have an adverse effect in terms of scale, height and massing."

12.9.6. In summary, the LAP identifies that 2 and 5 storey development is appropriate for the northwest of the site along Temple Hill and Barclay Court, 3 storey development is identified for the avenue and adjacent to St. Vincent's Park, while the remainder of the site is earmarked for 4 storey development with the exception of a Height

Sensitive Area around the Protected Structure. The table below provides further detail of the proposed development and deviation from the heights set out in the LAP.

Table 12.1: Height Deviation Material Contravention of the Blackrock LAP

Block	LAP Limit (storeys)	Proposed Height (storeys)	Deviation (storeys)
A1	3 and 5	5	1 to 2
B1	5	10	5
B2	4	8	4
B3	4	8	4
B4	3 and 4	5	1 to 2
C1 C2	Height Sensitive Area	3	None - Existing 3 storey height maintained.
C3	Height Sensitive Area	1	None - Below existing 3 storey height.
D1	4	6	2
E1	4	6	2
E2	4	6	2
G (Gate Lodge)	1	1	None.
H (St. Teresa's House)	3	3	None.

12.9.7. The objectives contained within the Blackrock LAP 2015 (extended to 2025) pre-date the adoption of the Building Height Strategy as part of the County Development Plan 2016-2022 and the Building Height Guidelines (December 2018).

12.9.8. In terms of the Dún Laoghaire Rathdown County Development Plan 2016-2022, this includes a Building Height Strategy in Appendix 9 and policy UD6 states that "it is the

Council’s objective to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.”

12.9.9. Appendix 9 states that there is a general maximum height of 3-4 storeys, but that this will not apply in every circumstance. The strategy goes on to identify Upward Modifiers and Downward Modifiers, with the requirement that a proposal meet more than 1 Upward Modifier in order to qualify for additional building height. I have set out above in section 12.5 the Upward Modifiers that I consider to apply to the proposed development, and I have outlined my assessment of residential amenity impacts in section 12.6 which is relevant in considering Downward Modifiers. I have also outlined above in section 12.5 an assessment of the proposed development against the Building Height Guidelines. Overall, I am satisfied that the proposed development complies with both the County Development Plan and national policies in the Building Height Guidelines.

12.9.10. I agree with the applicant that a material contravention does arise with respect to the building heights proposed and the Blackrock LAP 2015, however should the Board concur with my assessment, I am satisfied that a material contravention of height is justified in the current circumstances under the following sections of the Act:

- 37(2)(b) (i) the strategic nature of the site for the delivery of housing, on a site that is strategically important for the delivery of housing in Blackrock in Dún Laoghaire Rathdown with excellent public transport accessibility and for a significant number of new homes, which follows the principles described in national planning policy documents and guidelines which promote compact growth.
- 37(2)(b) (ii) the Blackrock Local Area Plan 2015 (extended to 2025) contains conflicting objectives with policy UD6 and the Height Strategy in Appendix 9 of the Dún Laoghaire Rathdown County Development Plan 2016-2022.
- 37(2)(b) (iii) the characteristics of the subject site reflect the national planning policy approach in relation to compact growth, as described in the Urban Development and Building Height, Guidelines for Planning Authorities (2018). Specifically, as a result of the sites characteristics, being situated a reasonable walking distance to DART services at Blackrock Station and high frequency Dublin Bus services.

- Section 37(2)(b) (iv) in relation to the pattern of development/permissions granted in the area since the adoption of the Blackrock LAP, of particular relevance, the Board have previously approved a development on the site up to 8 storeys in height. As such precedent for a development that exceeds heights specified under the LAP exists under ref. ABP SHD 303804-19.

12.9.11. Residential Mix

12.9.12. The applicant's Material Contravention Statement identifies the policies and objectives in the Blackrock LAP relating to residential mix as follows:

- Design Objective DS4 "It is an objective of the Council that any proposals for new residential development on the St. Teresa's and Dunardagh lands shall incorporate a residential mix which both complements and enhances the existing residential mix within the wider Plan area and supports a variety of households in accordance with Section 5.2 of the Local Area Plan and Section 16.3 of the current County Development Plan. Any redevelopment of the site should incorporate a considered mix of houses and apartments. Consideration should be given to the provision of housing for the elderly in accordance with Policy RES9: 'Housing for the Elderly' (Section 5.4.3) of the County Development Plan 2010-2016".
- Policy BK14 "It is Council policy that all new residential development within the Plan area shall provide for a sustainable mix of house types, sizes and tenures that meet the needs of a range of households and that both complement and enhance the existing residential mix."
- Objective H2 "It is an objective of the Council that all new residential development within the Plan area shall be designed having regard to the minimum quantitative and qualitative standards as set out in Section 16.3 of the County Development Plan 2010-2016."

12.9.13. The proposed development is formed of 100% apartment units and without specific housing for the elderly. In relation to provision of housing for the elderly, in my opinion, the design of the proposed development facilitates a range of occupation types, with level and accessible access to units throughout the scheme as a result of the incorporation of lift/elevator access. There is no requirement in either the Blackrock LAP or County Development Plan policy RES9 to provide housing for

elderly people, and the reference is to consideration only. Therefore, I am satisfied that no material contravention arises with relation to that matter. In terms of the provision of 100% apartments and no self-contained housing, this is supported by the Apartment Guidelines which state that in central and/or accessible urban locations such as the subject site, development may wholly comprise apartments. I also note that the County Development Plan asks for a mix of housing in development to compliment the overall mix of an area. In my view, the subject site is situated in a location where the vast majority of housing is in the form of stand alone self-contained housing, and therefore the provision of a 100% apartment scheme on the site will diversify and provide variation to the mix of the overall area, which would also satisfy LAP policy BK14 as set out above.

12.9.14. I describe in section 12.7 the adherence of the proposed development to residential design and amenity standards that are applicable within the Apartment Guidelines, and which supercede any standards described under former Development Plans. Specifically, I note that objective H2 specifically relates to the application of standards in the former 2010 County Development Plan, which has since been superceded by the current 2016-2022 Development Plan, and therefore no longer applies.

12.9.15. Overall, I am satisfied that the only material contravention that arises from the proposed development with respect to residential mix is with respect to the provision of 100% apartments contrary to Design Objective DS4 and that a material contravention of this objective is justified in the current circumstances with reference to following sections of the Act:

- 37(2)(b) (i) the strategic nature of the site for the delivery of housing, on a site that is strategically important for the delivery of housing in Blackrock in Dún Laoghaire Rathdown with excellent public transport accessibility and for a significant number of new homes, which follows the principles described in national planning policy documents and guidelines which promote compact growth.
- 37(2)(b)(iii) the characteristics of the subject site reflect the national planning policy approach in relation to compact growth, as described in the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020). Specifically, as a result of the site being located in a

central/accessible area, being situated a 10 minute walking distance to DART services at Blackrock Station, where development wholly comprising apartments is supported.

- Section 37(2)(b) (iv) in relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, of particular relevance, the Board have previously approved an apartment scheme on the site under ref. ABP SHD 303804-19.

12.9.16. Residential Density

12.9.17. The submitted Material Contravention Statement identifies a number of policies and objectives under the Blackrock LAP relating to density, specifically the following:

- Policy BK04: “It is council Policy to ensure that future residential development within Blackrock is at a scale and density appropriate to its location whilst providing for the sustainable growth of the area”.
- Objective DN1 “It is an objective of the Council to promote an efficient use of land that strengthens the existing urban structure of Blackrock and complements the character of the area.”
- Objective DN2 “It is an objective of the Council to achieve minimum densities within the Blackrock Local Area Plan boundary in accordance with the County Development Plan standards in order to generate a critical mass of population to support and sustain urban services including public transport.”
- Objective DN3 “It is an objective of the Council to ensure that residential densities for specific future developments in Blackrock are in accordance with Section 3.5 Site Framework Strategies, Objectives DS3, CS3 and ES2.”
- Objective DN4 “It is an objective of the Council to ensure that higher density development in Blackrock is of a high-quality design and incorporates high levels of amenity.”
- Objective DS3 Objective DS3 - It is an objective of the Council that any redevelopment of the St. Teresa’s and Dunardagh landholding shall incorporate a high quality residential development with a minimum density range of 45 - 55 units per hectare. In calculating density, Formal Gardens (Character Area 1) identified on Map 6 and in Chapter 2, Section 2.1.3 and

illustrated on Drawing 2 and the various tree belts on the site (as illustrated on Drawing 2) shall be excluded from the total site area.”

12.9.18. In summary, the LAP envisages densities in the region of 45-55 units per a hectare for the subject site. The County Development Plan states in policy RES3 that it is Council policy to promote higher residential densities with regard to national guidelines, including the Sustainable and Residential Development in Urban Areas guidelines. The Sustainable Residential Development Guidelines state the following in relation to institutional lands (such as the subject site):

“...average net densities in the range of 35-50 dwellings per hectare should prevail and the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts (say up to 70 dph)...”

12.9.19. The proposed development has a density of 165 units per hectare. I have described in detail in section 12.3 above, my assessment of density and the compliance of the proposed development with local and national planning policy considerations. I am satisfied that the proposed density is reflective of the national planning policy approach to compact growth on accessible sites, ensuring sustainable development and efficient use of land. In addition, and as outlined in section 12.3 above, it is my view that both the Development Plan and the Guidelines expressly state that higher densities will be allowed where this contributes towards retaining the open character of the institutional lands and that the guidelines are not limiting higher densities on institutional lands with the reference to 70 dph expressly stated as an example (‘say up to...’). I have outlined my assessment of the proposed development in terms of the open character of the site and quality of public open space in sections 12.2 and 12.7 above. I have also outlined the compliance of the proposed density with the Apartment Guidelines in section 12.3 above. Overall, I am satisfied that the proposed development is in conformity with national planning guidelines with respect to density, however I note that a material contravention may be considered to arise with respect to policy RES3 of the Development Plan and the density range under the LAP.

12.9.20. As a result, a material contravention with respect to density is justified in my view, with reference to the following section of the Act:

- 37(2)(b) (i) the strategic nature of the site for the delivery of housing, on a site that is strategically important for the delivery of housing in Blackrock in Dún

Laoghaire Rathdown with excellent public transport accessibility and for a significant number of new homes, which follows the principles described in national planning policy documents and guidelines which promote compact growth.

- 37(2)(b)(iii) the characteristics of the subject site reflect national planning policy guidelines that promote increased housing delivery on appropriate sites, including Rebuilding Ireland, An Action Plan for Housing and Homelessness and Project Ireland 2040 – National Planning Framework in relation to compact growth, particularly objectives 33 and 35 of the NPF which seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. As well as the Sustainable Residential Development Guidelines, which promote increased densities on appropriate sites, including intuitional lands where the open character of the site is optimised through design, and the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020) which identify the characteristics of sites suitable for higher density development. Specifically, as a result of the site being located in a central/accessible area, being situated a 10 minute walking distance to DART services at Blackrock Station, where higher density development is supported.

12.9.21. Trees

12.9.22. The submitted Material Contravention Statement identifies a number of objectives within the Blackrock LAP relating to trees, as follows:

- Design Principle 4: “Existing Tree Belt to be protected and retained including the Folly. Perimeter of the park to be extended to include tree belts.”
- Objective DS6: “It is an objective of the Council that any redevelopment of the Dunardagh lands shall provide for the retention of the tree belts including the folly at St. Teresa’s identified on Drawing 2, adjacent to the boundary with Rockfield Park. The boundaries of the tree belts in question are shown as indicative and shall be defined in agreement with the Planning Authority. The existing boundary wall shall be removed to facilitate the integration of the tree belts into Rockfield Park. An appropriate low boundary treatment shall be

erected between the tree belts and any proposed residential development within the St Teresa's and Dunardagh landholding.”

- Objective DS12: “It is an objective of the Council to protect and preserve mature trees / tree groupings / hedgerows that add to the character of the sylvan settling of St. Teresa's and Dunardagh landholding. Any redevelopment proposals shall be required to incorporate, as far as is practicable, the amenities afforded by existing trees and hedgerows. Arboricultural assessments carried out by an independent, qualified arboricultural consultant shall be submitted as part of any planning applications for the redevelopment of the lands in accordance with Section 16.7.4 of the County Development Plan 2010-2016.”

12.9.23. Under the Development Plan, there is also an objective on the site “To protect and preserve Trees and Woodlands”. Section 8.2.8.6 of the Dún Laoghaire-Rathdown Development Plan 2016-2022 clarifies that: “New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerow and new developments shall have regard to objectives to protect and preserve trees and woodlands as identified on the County Development Plan Maps.” The Plan further states in Section 8.2.8.6 that: “Where it proves necessary to remove trees to facilitate development, the Council will require the commensurate planting or replacement trees and other plant material. This will be implemented by way of condition”.

12.9.24. I have described in the biodiversity section of my EIA in section 13 of this report the proposed development and impact upon trees at the site. While 78 trees are proposed for removal to facilitate development, replacement planting includes c.200 trees and will sufficiently compensate for this loss in my view, particularly in light of the retention of high characterful trees proximate to St. Teresa's House itself and within the woodland area adjacent to Rockfield Park. I note that of the trees to be removed 44 are category C and 18 are category U, with no category A trees proposed for removal. I agree with the applicant that the proposed development is not in strict accordance with the tree retention outlined for the subject site in the Blackrock LAP, however in my view the design and layout of the scheme necessitates the limited tree removal proposed and will allow for an appropriate relationship of proposed blocks to the street and with protected structures in the site,

enhancing the streetscape and character of the site, while promoting compact growth on a site suitable for high density development. I also note that the previously approved 2019 SHD consent included a similar level of tree removal.

12.9.25. As a result, a material contravention of Objectives DS6 and DS12 under the Blackrock LAP is justified in the current circumstances, with reference to the following section of the Act:

- 37(2)(b) (i) the strategic nature of the site for the delivery of housing, on a site that is strategically important for the delivery of housing in Blackrock in Dún Laoghaire Rathdown with excellent public transport accessibility and for a significant number of new homes, which follows the principles described in national planning policy documents and guidelines which promote compact growth.
- 37(2)(b)(iii) the characteristics of the subject site which is zoned for residential development and where higher density development should be facilitated in reflection of the national planning policy approach in relation to compact growth, as described in the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020) and Urban Development and Building Height, Guidelines for Planning Authorities (2018). Specifically, as a result of the site being located in a central/accessible area, being situated a 10 minute walking distance to DART services at Blackrock Station.
- Section 37(2)(b) (iv) in relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, of particular relevance, the Board have previously approved similar levels of tree removal on the site under ref. ABP SHD 303804-19.

12.9.26. Transitional Policy

12.9.27. The submitted Material Contravention Statement identifies that section 8.3.2 of the County Development Plan 2016-2022 states the following:

“The maps of the County Development Plan show the boundaries between zones. 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."

12.9.28. Determining such an impact first requires consideration of the compatibility of a site zoning to an adjacent zoning. The site is largely surrounded by residentially zoned lands, with the exception of the area to the south which is zoned open space and overlaps with the development site. Within this area, the proposed development includes woodland landscape and additional public open space is provided within the site. I am satisfied that no material contravention arises with respect to this matter which requires a qualitative assessment of the development as I have described here, and with regard to scale specifically in section 12.5 of this report above.

12.9.29. Protected Structures and St. Teresa's Lodge

12.9.30. The submitted Material Contravention Statement identifies a number of objectives in the Blackrock LAP relating to protected structures, as follows:

- Design Principle 2: "Layout of development to north of site along Temple Hill to be non - orthogonal to the road. Development to be set back to allow planting buffer to road and to give space around protected structure."
- Objective DS2: "It is an objective of the Council that building heights within those areas identified on Map 12 as 'Height Sensitive Areas' shall take particular cognisance of the setting of the Protected Structures and shall not have an adverse effect in terms of scale, height and massing."
- Objective DS10: "It is an objective of the Council to ensure the protection of the built and natural heritage in the consideration of any proposed layout and design in the redevelopment of the St Teresa's and Dunardagh landholding."
- Objective PS1: "The Planning Authority will seek to safeguard the character and setting of a Protected Structure through appropriate control of the design of new development in the vicinity."

- Objective PS2: “The principal elevations of a Protected Structure should not be impacted upon or obscured by new development that may compromise its amenity.”
- Objective PS3: “Significant views of the Protected Structure and the historical context of its setting in the landscape or surrounding urban context, should not be compromised.”
- Objective PS4 “To encourage compatible new uses for Protected Structures, which will not detract from the architectural and historic character of the building/ structure. Any works and/or extensions necessitated by the proposed new use(s) shall be appropriately scaled and shall ‘read’ architecturally as new, in line with County Development Plan Policies.”
- Objective PS5 “To require pre-application discussions with the Conservation Officer.”
- Objective PS6 “To require an Architectural Heritage Impact Assessment by an architect or other professional with specialist knowledge of building conservation. The report should include an assessment of both works to the Protected Structure and the impact of new development on the character and appearance of the heritage asset.”
- Objective PS7 “To seek a holistic approach to any development of the overall site. Proposals for the Protected Structure must form part of any application to ensure that the Protected Structure retains prominence on the site.”
- Objective PS8 “To require a design statement with supporting illustrative material and description of proposed development demonstrating how it has been developed having regard to the built heritage, topography and landscape character of the site.”
- Objective D11 “It is an objective of the Council to ensure that development within Character Area 5 shall include the creation of an improved setting for St Teresa’s Protected Structure. The Council will retain The Gate Lodge to St. Teresa’s and necessitate any extensions to ensure its continued use and viability in accordance with policies and objectives set out in Chapter 2 of this Plan.”

- Objective D12 “It is an objective of the Council to ensure that new development within Character Area 5 will be concentrated to the rear of the part of the site overlooking Temple Hill, be of a high standard of design and be sympathetic to the Protected Structure in terms of its siting, design and materials used.”

12.9.31. The following policies in the County Development Plan 2016-2022 are also identified:

- Policy AR1: “It is Council policy to: i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS). ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance. iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht ‘Architectural Heritage Protection Guidelines for Planning Authorities’ (2011). iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.”
- Policy AR5: “It is Council policy to: i. Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features. ii. Identify buildings of vernacular significance with a view to assessing them for inclusion in the Record of Protected Structures.”

12.9.32. I have described in detail in sections 12.4, 12.5 and 12.7 the proposed design and how it appropriately responds to the protected structures on the site, the character of the area and the landscape character of the site. As outlined in section 12.7 above, I am satisfied that the proposed development will appropriately enclose the street edge to Temple Road and address the street in a manner that is more appropriate and will enhance the streetscape setting, than would be achieved in a non-orthogonal arrangement, however, I concur with the applicant that a material contravention may

be perceived as arising with respect to this matter. Although it should be noted, that with respect to the Site Framework Strategy for St. Teresa's and Dunardagh in the Blackrock LAP, the LAP specifically states that the 'layout and guidance within the Site Framework Strategies should not be viewed as the only definitive development solution for the sites in question – rather a set of development principles.' Albeit, objectives are used to describe specific areas as outlined above.

12.9.33. With respect to Objectives DS2, DS10, PS1, PS2, PS3, PS4, D11 and D12, in my opinion these require a qualitative assessment in order to determine compliance, and I have set out in detail my assessment of the design and the impact of the proposed blocks upon the setting of protected structures in the site in section 12.4 above. As a result, in my view, no material contraventions arise with respect to these objectives under the LAP. However, I note that the applicant suggests that a material contravention may arise from the proposed dismantling and reconstruction of the Gate Lodge, and I note that this was previously approved (albeit to be relocated to an alternative part of the site) under the previously approved 2019 SHD. In relation to policies AR1 and AR5 in the County Development Plan, in my view these also require a qualitative assessment which I carry out in section 12.4 above. In relation to Objective PS5, PS6 and PS8 of the LAP, the application is accompanied by all necessary documentation and pre-application discussions allowed for interaction with the Planning Authority's Conservation Officer as required in the objective, therefore again, I am satisfied that no material contraventions arise with respect to those specific objectives.

12.9.34. As a result, the only material contraventions that may be perceived as arising in this case with respect to the above, relates to the non-orthogonal arrangement of buildings to Temple Road required under Design Principle 2 of the LAP and the dismantling and reconstruction of the gate lodge. These matters are both reflective of the approved layout in the 2019 SHD scheme. As such, in my view, should the Board consider that a material contravention arises with respect to this matter, it would be justified under the following section of the Act:

- 37(2)(b) (i) the strategic nature of the site for the delivery of housing, on a site that is strategically important for the delivery of housing in Blackrock in Dún Laoghaire Rathdown with excellent public transport accessibility and for a significant number of new homes, which follows the principles described in

national planning policy documents and guidelines which promote compact growth.

- 37(2)(b) (iii) The Architectural Heritage Protection Guidelines for Planning Authorities and the exceptional circumstances that justify the dismantling and reconstruction of the Gate Lodge protected structure on the site.
- 37(2)(b) (iv) in relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, of particular relevance, the Board have previously approved a non-orthogonal development and dismantling/relocation of the gate lodge on the site under ref. ABP SHD 303804-19.

12.9.35. Institutional Designation and Open Space

12.9.36. Policy RES5 in the County Development Plan relates to institutional lands, and states the following:

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

12.9.37. The policy is followed by text stating the following:

Alternative Use - Where no demand for an alternative institutional use is evident or foreseen, alternative uses may be permitted subject to the zoning objective and retention of the open character of the site being retained.

Open Space - A minimum open space provision of 25% of the total site area (or population based equivalent in accordance with 8.2.8.2 whichever is the greater. This provision must be sufficient to maintain the open character of the site with development proposals structured around existing features and layout, particularly with reference to retention of trees, boundary walls and other features.

Density - Average net densities will be allowed where it is demonstrated that they can contribute towards the objective of retaining the open character and or recreational amenities of the lands.

Section 8.2.3.4 (xi) of the Development Plan also adds the following:

Masterplan - In order to promote a high standard of development, a comprehensive masterplan should accompany a planning application for institutional sites. Such a masterplan must adequately take account of the built heritage and natural assets of a site and established recreational use patterns.

12.9.38. In relation to the principle of the proposed use, I have assessed this in section 12.2 above and consider residential to be the most appropriate use given the historical land use and zoning of the site. In relation to open space, I described in detail throughout this report, and specifically in sections 12.2, 12.5 and 12.7 that I consider the open character of the site to be retained by the proposed development design (in amended form) and that the proposed open space is of exceptional quality. This interlinks with considerations of the proposed density, which I assess in section 12.3 and also above as part of my material contravention assessment. As a result, I am satisfied that the proposed development does not represent a material contravention of policy RES5, and particularly, that the proposed development incorporates exceptionally high quality open space, justifying a lower per person open space quantum than set out in the text that follows RES5.

12.9.39. Other Potential Material Contraventions

12.9.40. I note third party concern that the proposed development forms a material contravention with respect to scale, density and height, and I have addressed those matters specifically as part of my preceding material contravention assessment. Third parties also state that there is no justification provided for material contraventions of the County Development Plan and LAP, however I note that the applicant has submitted justification in their Material Contravention Statement and I have outlined those matters that I consider justified with respect to material contraventions above, with reference provided to the relevant part of the Act. While third parties also state that the site is not brownfield but an accessible urban infill location, this does not alter any of the assessment that I have undertaken in this report, which with respect to density focuses on the institutional land zoning of the site.

12.9.41. I note that third parties refer to the draft DLR Development Plan 2022, suggesting that this confirms that it is not DLRCC's intention to allow higher density developments, such as that proposed in the current SHD. In addition, it is suggested

that the applicant cannot argue that there is a contradiction between local and national planning policies as a result of this draft plan. As well as that the proposed development is in material contravention of policies and objectives in that draft plan. As outlined in section 12.2 of this report above, the current County Development Plan 2016-2022 contains the policies and objectives for consideration in the determination of this application until such time as the new plan comes into force. As such, any assessment and decision can be based upon the contents of the current Development Plan only.

12.10. Planning Authority's Reasons for Refusal

- 12.10.1. The Planning Authority recommends that the application be refused for two reasons and I address each of these reasons here, with reference to the wider assessment set out in my report.
- 12.10.2. The first reason relates to the layout, footprint and siting of the proposed blocks, particularly Block B4 and D1. The Planning Authority considers that the proposed development fails to accord with design principles and objectives of the LAP and would detract from the sites sylvan and rich architectural character, contrary to the LAP and Section 8.2.3.4(xi) (Institutional Lands) of the County Development Plan 2016-2022.
- 12.10.3. I have described in detail above in section 12.4, 12.5 and 12.7 my assessment of the proposed design, which has regard to the objectives and design principles of the LAP as well as section 8.2.3.4(xi) of the County Development Plan, which I also address in section 12.2.
- 12.10.4. With respect to design principles, these are described in the Site Framework Strategy for St. Teresa's and Dunardagh in the Blackrock LAP. The LAP specifically states that the 'layout and guidance within the Site Framework Strategies should not be viewed as the only definitive development solution for the sites in question – rather a set of development principles.'
- 12.10.5. I discuss the relationship of the proposed development with Temple Road in section 12.5, I am satisfied with the set back from the road, which allows for increased footpath and tree planting along this edge of the site. I describe the landscaping proposed in detail in section 12.7 above, and I am satisfied that the planting of c.200 trees and gaps between blocks ensures that the sylvan character of the site will be

retained in views of the site from the street, as well as from the park with the incorporation of the woodland edge to the site at this end. I set out in detail, my appraisal of the proposed development in context of the protected structures on the site in section 12.4 and how the proposed blocks will enhance this setting. With views from the street and views from the house itself, enhanced through the proposed layout, albeit with the amendments that I suggest and removal of Block C3 and Block B4. The existing folly is retained in the proposed design within a woodland setting, thereby contributing to the sylvan character of the site, and large belts of trees are also retained, and I describe impact upon trees in my EIA at section 13 of this report. The access and perimeters of the site are proposed to be populated with extensive new tree planting alongside retained trees and will enhance and preserve the sylvan character of the site in my view. I have also addressed the design of proposed access arrangements in section 12.8, which are sufficiently wide and generous in my view. The proposed design encourages increased permeability and connectivity to the park, and I address this specifically in section 12.7 above.

12.10.6. The second reason for refusal relates to the overall height, scale, form and layout of a number of blocks, which the Planning Authority consider will have an imposing and oppressive impact upon the character, setting and visual amenity of St. Teresa's, a protected structure. In sections 12.4 and 12.5 of this report, I describe the proposed design and relationship with protected structures on the site, with specific regard to the setting of these structures. I also address heritage and visual landscape affects in my EIA in section 13. I am satisfied that the proposed development is acceptable and will preserve and enhance the setting of protected structures on the site.

12.10.7. In addition, in the second reason for refusal, the Planning Authority state that they consider Blocks B1-B4 to have an unduly overbearing impact relative to the width of 'Temple Hill' and the two storey dwellings opposite due to both additional height proposed and the non-orthogonal arrangement. I have described in detail the character of the site in section 12.5 above, including the nature of the dual carriageway that the proposed development will front onto. My EIA in section 13 also addresses the landscape and visual impact of the proposed development informed by the submitted photomontages with the application. I am satisfied that the proposed height and scale of Blocks B1, B2 and B3 can be absorbed on this site. In relation to proposed Block B4, I have concluded that this should be removed and with that

amendment the proposed development is acceptable in my view in terms of the relationship to Temple Hill / Temple Road and the two storey dwellings opposite.

12.10.8. The Planning Authority also state in reason for refusal no.2 that the proposed development will have a significant negative impact on the residential amenity of properties in the vicinity by reason of the scale, layout and overall height of the proposed blocks. I have addressed potential residential amenity impacts in detail in section 12.6. In my opinion, informed by analysis and data submitted with the application as well as my own detailed review of the plans, the proposed development will not result in significant adverse amenity impacts upon existing residents.

12.10.9. Lastly, the Planning Authority state in the second reason for refusal, that there are concerns that the proposed changes to Block D1, to one monolithic 6-storey block, will have an overpowering impact on the setting and amenity of the relocated single-storey gate lodge (Protected Structure). I address the impact of Block D1 upon the setting of the gate lodge in detail in section 12.4 above. In short, I am satisfied that the gate lodge will not be overpowered by Block D1.

12.10.10. Overall, I do not agree with the Planning Authority's recommended reasons for refusal and I am recommending that the Board approve the application as outlined in my suggested order below.

12.11. Other Issues

12.11.1. Water Infrastructure and Flood risk

12.11.2. The submitted Main Drainage Report describes the drainage, supply and flood risk characteristics of the subject site and the proposed development.

12.11.3. In relation to water and foul water connections, Irish Water have confirmed that connection to the existing network is feasible. No upgrade is required to facilitate water supply connection, however works are required to sewer networks, to divert sewers and this will require a connection agreement with Irish Water. Irish Water has issued a Design Acceptance and requested that the applicant continue to liaise with them to finalise the design of connections and the sewer diversion. This can be secured by condition, and I have included the same in my recommended order below. I am therefore satisfied that there is adequate capacity on the network to

serve the development, as confirmed by Irish Waters Design Acceptance for the proposal.

12.11.4. While I note a third party response regarding clarity around proposals for the property Carmond, as this shares water supply with the subject site, I am satisfied that Irish Water has confirmed that water supply is feasible without upgrade works. As a result, I have no reason to conclude that supply to Carmond or any other surrounding property would be permanently impacted by the proposal, and I am satisfied with the proposed development in this regard.

12.11.5. In relation to Flood Risk, a number of historic flood events have been recorded in the area and are described in the submitted Flood Risk Assessment. These occurred on 24th October 2011 in three different locations proximate to the subject site, most proximate being to the north-eastern boundary of the site on Temple Road. To the corner of the most northern extent of the site is a small part of the site located in Flood Zone A (defended) & B adjacent to the Carysfort-Maretimo Stream. The flood defences along the Carysfort-Maretimo Stream provide flood protection up to the 1% AEP flood event. The remaining site area is situated in Flood Zone C at low risk of flooding. Coastal flooding does not impact on or in the vicinity of the proposed development. There is no record or predicted pluvial flooding at the site or immediate surrounding area. There is also no known risk of groundwater flooding in the area.

12.11.6. The submitted Flood Risk Assessment confirms that there is only one building, Block A1, within the proposed development that slightly overlaps the area indicated as within Flood Zone A/B, however this has a ground/basement car park and the apartments in proposed Block A1 are situated at first floor level at 16.48mOD, and therefore not at risk of flooding. In relation to climate change, the Carysfort-Maretimo Stream flood defences include allowance for this and freeboard, and the Flood Risk Assessment confirms that the design takes account for a flood failure event. The proposed car park entrance is raised by 400mm freeboard over the expected maximum flood depth. The submitted Flood Risk Assessment has addressed the justification test under The Planning System and Flood Risk Management guidelines, the proposed development is situated on a site zoned for residential and is not at risk from the 1% and 0.1% AEP flood events, and/or is protected by the Carysfort-Maretimo flood defences. The proposed development also incorporates measures to minimise flood risk to surrounding areas, with the incorporation of SUDs in

accordance with the Greater Dublin Drainage Strategy. A stormwater system is included to manage surface water runoff, with discharge at greenfield equivalent levels. In addition, green roofs are included to the proposed apartment blocks and permeable paving has also been provided.

12.11.7. I note that the Planning Authority's Drainage team have requested conditions to address technical drainage specifications, and I have included a condition in relation to this in my recommended order below.

12.11.8. Overall, I am satisfied that the submitted flood risk assessment demonstrates that the proposed development would not expose future occupants to risk of flooding from any sources, including tidal, fluvial, pluvial and ground water; it also would not increase the risk of flooding elsewhere. As a result, I am satisfied that the proposed development is acceptable in terms of flood risk.

12.11.9. Childcare

12.11.10. I note third party representations regarding the lack of childcare provision as part of the proposed development. The Planning Authority also ask that ABP include a condition (in the event that they do not concur with the PA recommendation and elect to grant consent) to incorporate a childcare facility in the base of proposed Block C1 in lieu of the residential units shown. I note the local planning policy SIC11 in relation to childcare facilities and the 'Childcare Facilities Guidelines for Planning Authorities'.

12.11.11. The applicant has submitted a Community Infrastructure Statement with the application. This describes the capacity of local childcare facilities and the anticipated demand upon such services as a result of the future occupation of the development. The report suggests that actual demand for childcare spaces will be less than that indicated, and while all 2 and 3 bed units proposed are included for the purposes of calculating demand for childcare spaces, a 50% reduction is then applied in line with the Childcare Facilities Guidelines to a total of 34 childcare spaces. However, this allowance under the Childcare Facilities Guidelines is not reflected in the Apartment Guidelines, which only allows for the omission of studios and 1 beds in calculating childcare demand.

12.11.12. The report goes on to identify childcare facilities in a 200m catchment area surrounding the site. While the report identifies space for 53 childcare places in these establishments, these spaces largely come from two facilities situated towards the

outer extent of the 200m radius. The evidence provided by the applicant would demonstrate in my view, that the facilities located most proximate to the subject site do not currently have capacity. The applicant has provided demographic data for the area but does not rely on this to support the conclusions reached with respect to childcare demand.

12.11.13. A creche is proposed in the development which would accommodate 53 childcare spaces. The Planning Authority suggests that the 50% reduction should not have been applied and therefore, this creche does not satisfy demand resulting from the development.

12.11.14. I concur with the Planning Authority. The Apartment Guidelines state the following with respect to calculating childcare demand arising from apartment development:

“Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one childcare facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One bedroom or studio type units should not generally 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.”

12.11.15. The proposed development is for a large number of units with the potential to generate childcare demand for 68 childcare spaces. I am not satisfied that the applicant has submitted sufficient evidence to support a reduction in the number of spaces to be provided on the site, and therefore, the provision of a childcare facility for 34 children, is insufficient in my view given the number of 2 and 3 bed units proposed, and the lack of capacity in the surrounding area for childcare.

12.11.16. As a result of the above, I am recommending that a condition be included to require amended details of childcare provision as part of the development. This could be at first floor level in Block C2 as suggested by the Planning Authority, and I have included a condition requiring the same, that can be relied upon to secure additional childcare provision should the Board concur with my recommendation.

12.11.17. Property Values

12.11.18. I note submission of third party representations relating to the impact of the proposed development upon property values in the area. I am not aware of any evidence to support the assertion that the proposed development would negatively impact property values in the area, and nothing has been submitted to demonstrate that this would be the case.

12.11.19. Part V

12.11.20. The applicant has submitted Part V proposals as part of the application documents. 50 no. units are currently identified as forming the Part V housing. The Planning Authority have confirmed they have no concerns with relation to the Part V proposals.

12.11.21. 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.

12.11.22. Fire Safety

12.11.23. I note third party concern regarding high rise buildings and safety in the event of a fire. Planning policy is not intended to address the specific design requirements necessary to ensure fire safety, which are outlined in Building Regulations. It will be necessary for the proposed development to demonstrate satisfaction with Building Regulations prior, during and following construction on the site.

12.11.24. Site Address

12.11.25. I note third party concern regarding the inclusion of 'Monkstown' in the site address. In my opinion, the location of the site is clear to all interested parties from the submitted documents and the display of site notices adjacent to the site. The inclusion of 'Monkstown' in the site address has no bearing on my assessment or conclusions reached.

12.11.26. Sustainability and Energy

12.11.27. An Energy and Sustainability Report is submitted with the application. This describes the incorporation of passive design measures to reduce energy use, and low carbon energy sources into the development. New buildings in the site are targeted to achieve an A2/A3 BER.

12.11.28. Public lighting

12.11.29. Details of public lighting are submitted with the application describing location, luminance and intended form, however the Planning Authority have indicated dissatisfaction with the submitted detail and propose that this be addressed by condition. I am content with the intention of the public lighting strategy described, but concur that further details can be secured by condition to ensure that technical details satisfy the Planning Authority requirements, and I have included the same in my recommended order below.

13.0 Environmental Impact Assessment

This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The development provides for the construction of 493 no. residential apartment units, residential amenity space, café and creche, distributed in 11 no. blocks ranging in height from 1 to 10 storeys, on a gross site area of approximately 4.7 hectares. I note the erroneous reference to 487 no. units in section 1.2 of the submitted EIAR, however over sections of the EIAR clearly identify the correct number of units proposed (493) and this has not impacted the conclusions or analysis set out in the EIAR in my opinion. The site is located within the area of Dún Laoghaire Rathdown County Council. A number of topics and issues raised by observers that concern environmentally related matters have already been addressed in the wider planning assessment described above, and where relevant I have cross-referenced between sections to avoid unnecessary repetition.

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

- i) *Construction of more than 500 dwelling units;*

- iv) *Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere.*

13.2. The current application site does not fall within the two mandatory thresholds for EIA as described above, being a proposal for less than 500 dwellings on a site less than 10 hectares in size.

13.3. The applicant has submitted an EIAR that includes a sub-threshold screening for EIA from page 8 of the report. This identifies that an EIA can be required for sub-threshold development where significant effects on the environment are likely. The EIAR goes on to state that 'significant effect' is not determined by reference to relevant quantity, area or other limit thresholds but involves a consideration of factors such as the nature and location of the project. Accordingly, the applicant has elected to submit an EIAR with the application in conjunction with Article 299A of the Planning and Development Regulations, which state that:

“Where a planning application for a sub-threshold development is accompanied by an EIAR and a request for a determination under section 7(1)(a)(i)(l) of the Act of 2016 was not made, the application shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act.”

13.4. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Chapter 19 of the main volume provides a summary of the mitigation measures described throughout the EIAR. Each chapter describes the expertise of those involved in the preparation of the EIAR.

13.5. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

13.6. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the council, prescribed bodies and members of the public which are summarised in sections 8, 9 and 10 of this report above.

13.7. Vulnerability of Project to Major Accidents and/or Disaster

13.8. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned.

13.9. Chapter 17 of the submitted EIAR addresses Risk of Major Accidents and Disasters. This includes a risk register of potential risks arising from accidents during construction, adverse weather, fire following occupation, falls and flooding. Potential cumulative impacts and risk to human health is also described. Mitigation is set out in section 17.8 and covers measures during construction, mobility management and operational stage management. Following the application of mitigation, there are no identified significant residual impact in relation to risk of major accidents or disasters. I have also reviewed the 'Notified SEVESO Establishments' (lists of upper and lower tier) on the hsa.ie website and can confirm that the site is not itself, or proximate to, a SEVESO site. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

13.10. Alternatives

13.11. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;

13.12. Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

13.13. Chapter 3 of the EIAR concerns 'Consideration of Reasonable Alternatives'. The 'Do Nothing' alternative is described as a scenario where no development takes place on the site, and it remains in its current condition. This is discounted as an inefficient use of lands proximate to public transport and employment areas, which would fail to deliver objectives of the governments 'Rebuilding Ireland – An Action Plan for Housing and Homelessness'. Alternative locations were also discounted giving the characteristics of the subject site, which is zoned for residential development and in a location proximate to public transport and areas of employment. Chapter 3 explains the alternative layout and designs considered, which derives from the design evolution during pre-application discussions with the Planning Authority and An Bord Pleanála. The EIAR states that the overall site masterplan of the approved scheme for the site (ref. ABP SHD 303804-19) is considered to be the optimum layout for the site and so an entirely masterplan was not considered. An increase in densities and heights through modifications to permitted buildings and inclusion of new buildings to that approved scheme was therefore considered to be the focus of alternative designs. The EIAR describes studies taken to inform the selected height, scale and massing options, including daylight and sunlight analysis of both existing and proposed buildings and amenity spaces. Alternative locations for the Gate Lodge were also considered. Chapter 3 concludes that the preferred option was to maximise the efficiency and quality of proposed apartment blocks alongside minimising impact upon existing properties and providing an appropriate response to heritage assets.

13.14. Overall, I am satisfied with the approach to assessing alternatives as set out in the submitted EIAR. I describe in sections 12.4 and 12.5 of my report above why I do not concur with the conclusions reached by the applicant in relation to the design of all blocks. However, the fact that my assessment has considered wider matters of context and historic / environmental sensitivities associated with the site, and reached different conclusions to that described in Chapter 3, does not, in my opinion,

suggest a fundamental flaw in the EIAR submitted. My assessment comes to a different conclusion regarding the appropriateness of the design of blocks C3 and B4, but that does not mean that the submitted EIAR is unacceptable, as this is based upon a subjective assessment. As such, I am satisfied that the Directive requirements in relation to the consideration of alternatives have been met.

13.15. Consultations

13.16. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

13.17. Likely Significant Direct and Indirect Effects

13.18. The likely significant indirect effects of the development are considered below and reflect the factors set out in Article 3 of the EIA Directive 2014/52/EU.

13.19. Population and Human Health

13.20. Population and Human Health is considered in Chapter 4 of the submitted EIAR. This describes the socio and economic characteristics of Blackrock and Dún Laoghaire-Rathdown alongside social infrastructure provision in the area. The potential impact of the proposed development is then characterised.

13.21. Overall, negative impacts are described with a 'Do Nothing Scenario' as this would involve the site being left undeveloped and unutilised for much needed housing. During the construction phase, key impacts relate to unavoidable negative effects upon residential amenity in the area. This would arise from impacts on the land, such as visual impact, potential risk to human health from pollution, such as water, or arising from noise, vibration and dust. The road traffic network is also expected to experience disruption during the construction stage. Positive impact is predicted as a result of employment generation for the construction work and increase in local spend in the area by construction workers for the site. These impacts would be short term and temporary during the construction phase. During the operational phase, positive impact is anticipated as a result of the provision of housing and the increase in local spend in the area by future populations of the development, which could lead to employment generation for local businesses. Potential for adverse impact upon the safety, capacity and operation of the adjacent road network is identified in the

EIAR during the operational phase. In relation to social infrastructure, capacity is identified in the EIAR in relation to school places for future populations of the proposed development. Potential risk to human health is also described in Chapter 4 during the operational phase relating to contamination of water. No significant effect is anticipated with respect to air quality, climate, landscape, visual or waste during the operational phase. Impacts during the operational phase will be long-term.

- 13.22. Mitigation measures are described in section 4.6 of the EIAR with respect to population and human health. Key measures relate to the implementation of a Construction Management Plan to mitigate and manage potential impact during the construction phase and limit this to acceptable levels. During the operational phase, the landscaping, foul and surface water management systems, energy efficient measures and material finishes, is highlighted as mitigation. With the implementation of this mitigation, no negative residual impacts or effects on population and human health is predicated in the EIAR to arise from either the construction or operational phases of the proposed development, and the delivery of housing is highlighted as a positive effect. The EIAR states that the potential cumulative impact of other projects in the area have also been considered.
- 13.23. I note submissions from observers stating that local infrastructure is insufficient to support the expected needs of the future population of the development, with specific reference to childcare, schools, open spaces, public transport, doctor surgeries and water and sewage infrastructure. Chapter 4 of the EIAR considers social infrastructure, and a Community Infrastructure Assessment accompanies the application informing the conclusions reached in the EIAR. More specific examination of traffic and transportation impact is undertaken in a Chapter 6 of the EIAR. Potential impact upon water infrastructure is described in section 12.11 above and in relevant parts of this EIA below.
- 13.24. In relation to childcare capacity, I address this under a separate heading in section 12.11 of this report above. In terms of infrastructure in general, the assessment is informed by a submitted Community Infrastructure Assessment. This identifies social infrastructure in the vicinity of the site including GPs and Medical Centres. A large number of parks, sport, social and community facilities are also identified within the Blackrock area that could be accessed by future populations of the development. I address traffic and transport impact separately in this EIA below and above in

section 12.8 of this report. I also consider water infrastructure in detail in section 12.11 above, as part of my AA in section 14 in relation to the Ringsend Wastewater Treatment Plant and in this EIA below. In brief, sufficient capacity is identified to serve the proposed development and this is confirmed by Irish Water.

13.25. In relation to school capacity, I note detailed comments received from third parties, that outline the specific characteristics of surrounding schools and that there is no capacity within these establishments to serve the current population of the area, regardless of the increased population proposed under this application. However, the applicant has presented data within their submitted Community Infrastructure Assessment and EIAR to establish sufficient capacity to cater for the development and the cumulative impact of development in the area. I recognise that the conclusions presented by the applicant are not compatible with third party knowledge regarding the capacity of educational facilities to meet the population demand of the development. However, given the timeframe for the construction, occupation and growth of the child population associated with the development, the capacity of schools in the area would be expected to change over that period. In any case, this is not a matter within the control of the applicant to resolve, and it is for the education authority to respond to growing educational demand in certain areas. Therefore, I do not foresee a permanent negative effect in this regard. Overall, I am satisfied that the applicant has presented analysis to support their conclusions that capacity exists to cater for the education demands of the development. Therefore, I concur with the submitted EIAR conclusions regarding population and human health, including the existence of infrastructure in the local area to accommodate the development.

13.26. Biodiversity

13.27. Chapter 5 of the submitted EIAR describes potential biodiversity impacts as a result of the proposed development. I address potential effects upon European Sites in my Screening for Appropriate Assessment in section 14 of my report below, in this section I describe the potential for wider and more local biodiversity and ecological impacts.

13.28. The EIAR describes desktop and site surveys undertaken to inform the conclusions reached in chapter 5. There are no Natural Heritage Areas (NHA) or proposed Natural Heritage Areas (pNHA) overlapping the subject site. The South Dublin Bay

pNHA and Booterstown Marsh pNHA are (indirectly) hydrologically connected to the subject site by the Carysfort-Maretimo Stream. In total, the EIAR identifies 25 NHA or pNHA's situated within c.15km of the site. The subject site itself, is described as being formed of a range of habitat types in its current condition, including hedgerows (WL1), treelines (WL2), flower beds and borders (BC4), buildings and artificial surfaces (BL3), amenity grassland (GA2), dry meadows and grassy verges (GS2), (mixed) broadleaved woodland (WD1), scattered trees and parkland (WD5), scrub (WS1) and ornamental / non-native shrub (WS3). The EIAR states that surveys of the site did not identify any records of protected plant species on the site. Habitats on the site are categorised as being of local importance only, with scrub, hedgerows and trees being of higher value. In relation to non-native invasive plant species, the submitted EIAR describes that non-native invasive species (*Allium triquetrum* and *Hycanthoides hispanica*, both listed on the third schedule) were recorded on the subject site.

13.29. Bat surveys of the site are described in chapter 5, with limited recordings of bats utilising the site during surveys in 2018, 2020 and 2021. All Irish bat species are protected under Wildlife Acts. There was no evidence of bats roosting or entering/exiting buildings on the site. While no evidence of bat roosts was observed in trees on the site, thirty trees are identified as having features that would make them suitable for roosting. All bat species recorded on the site were of common species, and of 'least concern' (according to technical classification). The EIAR concludes that local bat populations use the subject site and surroundings for foraging and commuting habitat and can be valued as being of local importance (higher value).

13.30. In relation to other terrestrial mammals, chapter 5 confirms that through the use of motion-activated infra-red cameras, the following species were observed on the subject site: fox, cat, mice and badger, during surveys in 2018 and 2021. Mammal holes in a compost heap east of Craigmore House is identified as being occupied by a family of foxes. Mammal holes located within the woodland area are also concluded to be possibly active badger setts. Badgers, and their breeding and resting places are protected under the Wildlife Acts. Due to their stable population in Ireland, the EIAR identifies badgers to be of 'least concern' (according to technical classification), with the subject site being of local importance (higher value) to badger

populations, as there is a known active sett and suitable habitat within the lands and its vicinity to support badger populations. While no other protected mammal species were identified on the subject site, the EIAR states that it is likely that common species such as pygmy shrew also occur on the site. Overall, the site is concluded to be of local importance (higher value) for terrestrial mammals.

13.31. In relation to birds, the EIAR describes records of overwintering wetland birds using amenity grassland in the vicinity of the subject site for terrestrial feeding, including Rockfield Park adjoining to the site to the south which is a feeding site for light-bellied brent geese. The EIAR states that there were no signs of brent geese on the subject site during surveys in 2018. Black-headed gull and herring gull were noted within the subject lands. A range of common garden and woodland bird species were also recorded within the subject site in 2021, largely made up of green-listed species. A long-eared owl was recorded on the site, however there was no evidence of long-eared owl nesting on the site. This species of owl is green-listed and not of conservation concern. Species with an unfavourable status in Europe were also recorded on the site, specifically amber-listed greenfinch, house sparrow, black-headed gull and herring. However, the EIAR highlights that these are widespread species for Dublin despite their European status. While no evidence of bird nesting was observed in buildings on the site, treeline, hedgerow and woodland habitat on the site hosts a variety of birds. Overall, the subject site is concluded in chapter 5 to be of local importance (higher value) to birds.

13.32. Key Ecological Receptors (KERs) on the site are identified, including European sites and habitats on the site itself, such as scrub, trees, grass and hedgerow areas. In addition, badger, small mammals, birds and bats are also identified as KERs for the site. Section 13 of my report below describes an Appropriate Assessment Screening of the site in relation to European sites. In summary, it concludes that the significant effects on any European sites can be excluded. The EIAR concludes that in relation to nationally designated sites, a Hydrological and Hydrogeological Risk Assessment of the site concludes that there is no potential for indirect impacts to occur.

13.33. Potential impacts of the proposed development upon habitats and fauna are described from section 5.5.1.2 of the EIAR. Policies and objectives of both the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and Blackrock Local Plan 2015 protect hedgerows, trees and woodlands, with specific protection afforded

to the subject site under the zoning for the site. Construction of the proposed development will result in the permanent loss of habitat of local importance. The EIAR concludes that this will not result in a likely significant effect on biodiversity. Specifically, the proposed development results in the loss of c.173m (of c.215m total length) of hedgerows (WL1), c.300m (of c.577m total length) of treelines (WL2), c.0.60ha (of c.0.69ha total area of scattered trees and parkland (WD5), c.0.13ha (of c.0.4ha) of (mixed) broadleaved woodland (WD1), c.1.14ha (amounting to all areas) of dry meadows and grassy verges (GS2) and c.0.27ha (amounting to all areas) of scrub (WS1). The treeline along the eastern and southern boundary (along the access road shared with St. Catherine's) corresponding trees no.'s 354-404 in the submitted tree survey report with the application, are proposed to be retained. Part of the treeline running across the lands immediately in front of Craigmore House, corresponding trees no.'s 22-25, 36-37, 39, 41-42 in the submitted tree survey report are also proposed to be retained. Overall, significant portions of habitats on the site would be removed as a result of the proposed development which is categorised as a significant adverse impact of the proposed development in the EIAR.

13.34. The proposed development will include the permanent closure of six badger sett entrances on the site which are concluded in the EIAR to be inactive. A remaining sett entrance in the subject site will be closed temporarily for the duration of the construction phase of the proposed development. The construction of the proposed development will also reduce the amount of semi-natural habitat available to badger populations. There is potential for displacement and disturbance of badger species as a result. Impact upon badgers is categorised in the EIAR as significant at a local geographical scale. In relation to small mammals, the proposed development will result in the disconnection and reduction of habitat corridors and areas available for terrestrial mammals, with potential for impact upon hedgehogs and pygmy shrew (which habitats on the site may support, even though there was no recording of these species during surveys). However, as there is habitat available in the surrounding environment, this impact is categorised in the EIAR as not significant. Chapter 5 also identifies potential for direct impact upon breeding birds because of vegetation clearance on the site. It is an offence to disturb birds while on their nest or wilfully remove/damage etc. nests under the Wildlife Acts. Impact upon birds is categorised in the EIAR as a significant negative effect on populations of bird

species at a local scale. In relation to bats, the EIAR acknowledges that under Wildlife Acts it is an offence to kill, injure or interfere or destroy bat breeding or resting places. There are trees identified as having suitability for bat roosts that are proposed for removal from the site (tree no.'s 21, 34, 26, 120, 130, 181 and 197). Leisler's bat and soprano pipistrelle bat were recorded on the subject site, concentrated along hedgerows and treelines in unlit areas. The potential for direct impact on foraging and commuting bats from increased light levels during construction is identified in the EIAR. The EIAR categorises potential effect upon bats as a result of habitat loss as a significant negative effect on populations of foraging, commuting and roosting bat species at a local scale.

13.35. During operational phase, effects from human populations upon habitats, fauna and flora (as a result of noise, disturbance, etc) are highlighted in the EIAR, including potential for bird and bat collision with proposed structures. Impacts are categorised as not being significant at local or any other geographic scale. Potential significant negative effect is identified in relation to bats at operational phase as a result of lighting, noise/disturbance, at a local geographic scale. Potential cumulative impacts are specifically addressed in section 5.9 of the EIAR.

13.36. Mitigation measures relating to biodiversity are described in section 5.6 of the EIAR. In summary, measures during construction include (not an exhaustive list) procedures to manage the removal of non-native invasive plant species, control of water quality, protection during construction of vegetation to be retained, vegetation clearance during restricted periods outside of bird nesting season (or under the supervision of a qualified ecologist), lighting to follow technical specifications for sensitivity to bats, measures for vegetation clearance and works that is sensitive to bats, monitoring of mammal holes prior to works, licence from NPWS for necessary actions on the site relating to badgers and management of works in a manner sensitive to badgers. During operation, measures include in summary (not an exhaustive list), landscape plans (informed by a Woodland Management Plan included with the application), lighting sensitive to bats and compensatory planting for lost habitats.

13.37. Following the implementation of mitigation measures, the EIAR concludes that the proposed development will not result in any significant residual effects on KERs for the site, either alone or cumulatively with other proposed developments. A number of

appendices are also attached to the EIAR that support the analysis and conclusions reached in relation to biodiversity, and I have had regard to these in undertaking this EIA. I also note that no significant cumulative impacts are identified with respect to biodiversity.

13.38. I concur with the conclusions described in the EIAR and consider there to be no residual impact upon internationally or nationally significant receptors with mitigation in place. Any residual impacts upon biodiversity will therefore be locally significant only, with suitable mitigation to reduce impact on high value receptors. I also note that the site is zoned for residential and thus this zoning supports redevelopment of the lands which in any form, will invariably lead to some disturbance and clearance of habitats on the site. An extant planning permission (ref. ABP SHD 303804-19) is also in place for the site which would generate similar impacts and effects upon biodiversity as described in this EIA.

13.39. I am also satisfied in relation to the trees on the site, that the proposed approach to retention has effectively balanced the requirement to protect trees (as designated in the zoning map and in accordance with policies in the Local Plan and Development Plan), with the need to efficiently develop zoned lands. The proposed tree planting is also adequate mitigation in my view. The most visually striking trees adjacent to St. Teresa's House will be retained, as well tree belts, with the creation of a woodland area which will be managed through a Woodland Management Plan. As such, I am satisfied that proposed impact upon trees specifically, while adverse in the short-term, will become positive over time with the establishment of replacement planting and in light of the large number of trees to be retained on the site.

13.40. Therefore, it is my view that residual impact upon biodiversity as a result of the proposed development (as highlighted above) will be within acceptable parameters.

13.41. Land, soil, water, air and climate

13.42. Chapters 6 'Land, Soils, Geology, Hydrogeology, Utilities, 7 'Hydrology', 9 'Air Quality and Climate' and 10 'Wind Microclimate' concern topics of relevance to the consideration of potential impacts and effects upon land, soil, water, air and climate. Chapter 16 concerns daylight and sunlight and I describe a detailed daylight and sunlight assessment of the proposed development in sections 12.6 and 12.7 of my report above.

13.43. In relation to land, soils and hydrogeology chapter 6 describes the historic land use of the site as undeveloped land. The site is zoned for residential use and is formed of vacant buildings / demolished structures and open areas. In relation to geology, site investigations undertaken are described, with results indicating that the site is underlain by coarse grained granite bedrock. The sub-soil for the site is mainly glacial granite till derived from the parent granite bedrock with gravels derived from limestone. Site investigations also identified that the ground conditions for the site are either made ground or topsoil in the green-field areas, underlain by sandy gravelly clay deposits. In relation to hydrogeology, chapter 6 describes that the subject site is situated in an area classified as 'High Vulnerability' on the eastern side and 'Moderate Vulnerability' on the western side of the site. There are no regionally or locally important aquifers in the immediate area. Areas of weathering to the top bedrock across the site is considered in the EIAR to be increasing permeability and groundwater storage in locations. The vulnerability of the groundwater for the site is classified as 'high' and may extend to the Dublin Bay European Site. EPA mapping identifies the status of groundwater body for the area as 'at risk of not achieving good status'.

13.44. In relation to potential impacts, chapter 6 describes that excavation works will be above the granite bedrock. It is not envisaged that significant dewatering during construction over above normal levels will be required, as waterproof interlocking secant piling and concrete trench fill will be used in the excavation of proposed basement area. During construction, earthworks and removal of topsoil could expose subsoil to local erosion and there is also a risk of accidental pollution and contamination of soils and groundwater from spills. During operational stage, no further impacts on soil or geology is identified. Mitigation measures are described in section 6.7 and largely concern the implementation of construction management measures to minimise impact on soils, geology and hydrogeology, including protection of topsoil areas, re-use of topsoil and sub-soil and limiting excavation works, as well as measures to prevent polluted or contaminated run-off from the site both during construction and operation. Waste management measures are also described for the operational stage. The EIAR concludes that with mitigation in place, no likely significant residual impacts are anticipated upon land, soils, geology

and hydrogeology, with impact considered to be long term, imperceptible significance, with neutral impact. No significant cumulative impacts are identified.

- 13.45. In relation to water infrastructure and bodies, I describe an assessment of flood risk alongside foul and freshwater connections in section 12.11 above, which should be read in conjunction with this EIA. In terms of the hydrological baseline conditions of the site, these are described in chapter 7 of the EIAR, which identifies that the subject site lies within the Liffey and Dublin Bay Catchment and River Dodder sub-catchment. The main watercourse in proximity to the site is the Carysfort/Maretimo Stream located c.10m from the site's western boundary, which discharges into Dublin Bay. In relation to potential impacts arising from the proposed development, during construction the main risk relates to the potential for accidental pollution and contamination. During the operational phase, the proposed development will generate additional foul effluent which will be discharged to the local foul sewer network, which the EIAR concludes will place minimal additional loading on the network. Contamination risk is also identified in relation to the surface water run-off or leaking pipes.
- 13.46. Mitigation is described in section 7.6 and largely forms the implementation of construction management measures to minimise the impact on the water environment. This includes management of run-off, monitoring of measures, protection measures to prevent contamination and treatment or separation of run-off prior to discharge. During the operational phase, mitigation includes including the incorporation of SUDs in accordance with the Greater Dublin Strategic Study, limiting discharge rates, water conservation measures and waste management. Connections to foul and fresh water networks will also comply with Irish Water standards. With mitigation in place, the EIAR concludes that the proposed development will not result in significant impacts upon hydrological characteristics or surface water quality. No significant cumulative impacts on groundwater or designated sites are predicted.
- 13.47. In relation to air and climate, chapter 9 describes the baseline characteristics and obligations with respect to air quality and climate. During the construction phase, and in the absence of mitigation, significant risk arising from the proposed development upon air quality is identified in relation to dust, with other construction related emissions having minimal effect. Dust emissions are concluded to have the potential to have imperceptible, negative, short-term impact upon human health. The potential

for greenhouse gas emissions associated with construction activities is recognised in the EIAR, however these are anticipated to be imperceptible, neutral and short-term. During the operational phase, the EIAR concludes that the proposed development will not increase traffic levels significantly, and potential impact upon air quality would be long-term, localised, neutral and imperceptible. Only imperceptible impact is described in the EIAR, with respect to climate as a result of CO₂ emissions and flood risk (I assess flood risk in detail in section 12.11 above). As a result, impact upon human health during the operational phase is concluded to be long-term, neutral and imperceptible.

13.48. Mitigation measures are set out in section 9.7 of the EIAR. During construction these relate to the implementation of measures set out in a Construction Environmental Management Plan for the site and will include measures to control and minimise dust emissions. During the operational phase, the proposed development is designed to minimise the impact on climate through orientation, layout, building fabric and the incorporation of sustainable energy generation. With mitigation in place, the residual impact of the proposed development upon air quality and human health is concluded to be short-term, localised, negative and imperceptible with respect to the construction phase. Impact upon climate is concluded to be neutral, short-term and imperceptible. During the operational phase residual impact, the EIAR concludes that impacts upon air quality, climate and human health will be long-term, neutral and imperceptible. The EIAR also identifies that only imperceptible cumulative impact would arise in consideration of existing and permitted developments in the area.

13.49. Chapter 10 describes a micro-climate model assessment of the proposed development with respect to wind conditions. This demonstrates that the proposed design ensures environments that are suitable for their intended use, including in amenity areas, with no areas unacceptable for pedestrian comfort. The proposed development does not give rise to negative or critical wind speed profiles at nearby roads or buildings. The EIAR describes the incorporation of landscaping features (such as trees) to mitigate wind levels in proposed open spaces.

13.50. A number of appendices are also attached to the EIAR that support the analysis and conclusions reached in relation to land, soil, water and climate, and I have had regard to these in undertaking this EIA.

13.51. I note third party observations that include reference to potential pollution from the proposed development, and in this sense, my conclusion at section 13.56 below should be read in conjunction with this section of my EIA. In relation to air and water quality, I have highlighted the predicted impacts, mitigation and remedial effects of the proposed development above. I am satisfied that with the application of the mitigation measures described, there is no significant risk of pollution resulting to air or water quality. During construction, negative impact is inevitable, however I am satisfied that this impact will be short-term and within acceptable parameters. I note that the Planning Authority's Waste Management Team have indicated dissatisfaction with some of the management plans submitted, however I am satisfied that the level of detail is commensurate to the stage of the project, being planning application stage. It is normal practice to include conditions to require the submission of final management plans once contractors are established for development works, and I intend to take that approach for this current application, and have included conditions regarding the same in my recommended order below. Overall, I concur with the EIAR conclusions and consider that no significant impact upon land, soils, geology, water, air quality or climate.

13.52. Noise and vibrations

13.53. Chapter 8 of the submitted EIAR deals with noise and vibration and is accompanied by a Construction and Demolition Waste Management Plan which has also been submitted with the application. Chapter 8 outlines the baseline environment surrounding the site and the potential impact of the proposed development in terms of noise and vibration levels. The main risk of impact arises during the construction phase of the development. Potential impacts are identified and include noise during construction activities such as site clearance, demolition, general construction, construction traffic and road / landscape works. Sensitive receptor points are identified in the surrounding area and are taken as representative localised impact. Negative and significant impacts are identified with respect to noise in the absence of mitigation measures. The potential for impact from vibration is identified during the construction phase with respect to demolition and ground-breaking. Vibration is not anticipated to cause disturbance to surrounding occupiers given the distance between works and those neighbouring areas, as well as the standard of machinery to be used. During operational phase, slight and long-term impact is identified in

relation to traffic noise associated with occupation of the site. In terms of conditions for the proposed occupiers of the development, facades are identified in blocks A1, B1, B2, B3 and B4 that are exposed to higher levels of noise, associate with Temple Hill Road. Noise associated with occupation of the site is anticipated to be within acceptable parameters. No vibration impact is identified during operational phase.

13.54. Mitigation measures are described in section 8.6 and include compliance with BS 5228-1:2009+A1:2014 code of Practice for Noise and Vibration Control on Construction and Open Sites – Noise and the European Communities (Noise Emission by Equipment for Use Outdoors) Regulations 2001. Other measures during construction phase include the selection of quiet plant, noise control measures, screening, liaison with the public and monitoring. Vibration during construction will also be limited to acceptable parameters as set out in the EIAR. During the operational phase, noise exposure for future residents of the development will be mitigated through the use of glazing and ventilation that achieves the minimum sound insulation levels. No significant cumulative impacts are identified in the EIAR with respect to noise and vibration. The EIAR concludes that during the construction phase, residual impact from noise and vibration will be negative, moderate to significant and short-term with mitigation in place. During the operational phase, noise impact would be neutral, imperceptible and long-term.

13.55. I concur with the conclusions of the EIAR in relation to noise and vibration impacts from the proposed development during both construction and operational phases.

13.56. I have given consideration to the third party concerns raised in relation to construction impacts, including noise, dust and traffic. Overall, it is clear that there is likely to be disruption to users and occupiers of the area surrounding the subject site during the construction of the proposed development, however this will be temporary and incorporate mitigation to limit the degree of disturbance. In my view, it would be inappropriate to stifle development opportunity on this land zoned for residential, because of these temporary, managed, disturbances from construction activities. The application of mitigation measures can be secured through conditions, particularly through the application of a final Construction Management Plan for the proposed development. With the application of these mitigation measures and in consideration of the temporary nature of the construction works, I am satisfied that

construction impacts (including construction transport impacts as identified above and below) resulting from the proposed development are within acceptable limits.

13.57. Transportation

13.58. Chapter 12 'Traffic Transportation' of the submitted EIAR considers potential impacts arising from the proposed development upon transport. Section 6 of the Traffic Assessment (TA) Report submitted with the application considers non-car transport modes. I provide an associated assessment of potential transport impacts in section 12.8 of my report above which should be read in conjunction with this EIA. Chapter 12 of the submitted EIAR describes the baseline environment for the road network. Impacts during both the construction and operation phase upon the baseline environment are then described. Cumulative impacts of the Frascati Shopping Centre Extension (Ref.D14A/0134) and the redevelopment of Enterprise House (D16A/0418) are also included in the analysis, alongside consideration of future development of zoned lands to the south of the subject site.

13.59. During construction, there are no significant impacts anticipated upon the vehicular traffic network. Measures are described in both the EIAR and Construction Environmental Management Plan to be implemented to manage construction related vehicular movements associated with the site. During the operational phase, the EIAR concludes that there is the potential for the operation and occupation of the development to have an adverse impact upon the safety, capacity and operation of the adjacent road network. The TA for the development indicates that there will be a small increase in traffic through the road network associated with the proposed development, which would not be significant. Mitigation is set out in section 12.6 of the EIAR. This describes that during the construction stage, the implementation of measures described in a Construction Traffic Management Plan will minimise potential impacts. During the operational phase, no mitigation is described as the development is predicated to have a 'not significant' impact on the operational of local roads and junctions. In relation to the access to the site, this is demonstrated to operate within capacity in the opening years, approaching capacity level in the design year 2040. The EIAR also considers that positive impacts will arise from increased pedestrian and cyclist activity and demand for public and alternative transport created by the proposed development.

13.60. Overall, I concur with the conclusions of the EIAR and I am satisfied that the impact of the proposed development upon transport will be within acceptable parameters.

13.61. Material assets – Archaeology and cultural heritage

13.62. Chapter 14 concerns Archaeology and Cultural Heritage and chapter 15 relates to Architectural Built Heritage. This section of my EIA should be read in conjunction with section 12.4 of my report above, concerning built heritage. There are three protected structures on the subject site, St. Teresa's House (RPS Ref.398) built in the 1860s as a private residence known as Craigmore; St. Teresa's Lodge on the eastern corner of the site at the entrance from Temple Road (RPS Ref. 1960); and the large gates to Temple Road (RPS Ref.398). There are no recorded archaeological monuments within the site footprint and the most proximate monument is located 300m to the northeast.

13.63. Chapter 14 describes the current archaeological and built heritage condition of the site. An archaeological desktop study of the site indicates that there is no records or evidence to suggest that there are archaeological deposits or features on the site. However, the EIAR acknowledges that due to the lack of any modern ground works or construction disturbance over the area to the west and southwest, that would serve to protect any sub-surface artifacts present and therefore the potential for archaeological discoveries cannot be ruled out. In addition, the EIAR identifies a former well on the site, which irrespective of antiquity, would be treated as an archaeological structure. A folly which would have formed part of the original planned landscape for the site is also identified, along with historic boundary walls of heritage value. During the construction stage, there is potential for the discovery of hitherto undisturbed archaeological sub-surface deposits, or archaeological features. The EIAR does not identify any potential impact during the operation phase. Mitigation is outlined in chapter 14 and relates to pre-construction investigations, geophysical investigations, or test excavation under licence from the National Monuments Service. In the event that archaeological material is present, a full report would be issued as part of licencing conditions and compliance documentation. Archaeological monitoring and measures to be implemented in the event of discovery of significant archaeological material is also described in the EIAR. These mitigation measures can be secured by way of a condition attached to any grant of planning consent, and I have included the same in my recommended order below, should the Board

determine to grant consent. The EIAR also confirms that it is intended to protect the granite folly on the site during the development works, and subsequently clear this of vegetation and consolidate and repoint it as necessary, preserving it in the long-term as part of the public realm. Surviving historic boundaries will also be retained and consolidated as required using a lime-based mortar. The EIAR concludes that following the implementation of these aforementioned archaeological mitigation measures, there will be no residual impact on archaeological or cultural heritage located on the subject site.

13.64. Chapter 15 of the submitted EIAR concerns Architectural Built Heritage. This chapter describes the early historical environment over and around the subject site. As identified above, the site contains three protected structures and curtilage features, including boundary walls and a folly in a wooded area to the south-west of the site. St. Teresa's House itself is described as being previously substantially extended to the northwest, northeast and southeast. These extensions were subsequently removed in 2021 following the previous SHD consent on the site (ABP Ref. 303804-19). St. Teresa's House itself is a two storey over basement detached country house of five bays with central projecting granite porch, and semi-circular end-bays, granite cornice cills and string course. The exterior of the building is described in detail in the EIAR and is detailed to be in poor condition, with many external service pipes and non-original windows. The interior has also been altered to accommodate institutional use, but main features remain intact.

13.65. A large part of the original lands for the house was acquired to permit construction of the Blackrock Bypass completed in 1988. At the time of this road construction, the original main gates were relocated from the eastern corner of the site, near the present gate-lodge, to their current position at the north corner of the site. Additionally, at that time the western gate lodge was demolished and another gate lodge serving St. Catherine's, was located to the east of the entrance gates. The eastern lodge remains at the east corner of the site overlooking what is now a single avenue serving both St. Teresa's and St. Catherine's. The original walled garden along the north-western boundary was transferred to the Alzheimer's Society of Ireland which built a Respite Centre there in 2010 and is outside of the site redline boundary. Land to the south of the house remain predominantly as a meadow, with a wooded area to the western corner, remaining much as they would have been at the

time of the Craigmores construction (original name of St. Teresa's House). There also other protected structures, an architectural conservation area and candidate architectural conservation area in the wider area surrounding the site.

13.66. The proposed development comprises the retention and refurbishment of St. Teresa's House and change of use to residential (with associated internal alterations), as well as the dismantling, relocation and change of use from residential to café of 'St. Teresa's Lodge', and construction of 493 apartments in a range of blocks up to 10 storeys in height. There are no works to the existing entrance gates to the site. The EIAR identifies that the main potential impact is to the setting of structures within the site as a result of the proposed development. There is also a potential impact in relation to the loss or damage to historic building fabric or features as a result of proposed works. Potential impact upon heritage features outside of the site boundaries (i.e. conservation areas and protected structures) will be limited to visual impact as a consequence of proposed structures on the site. The potential impacts are also examined in detail in the submitted Architectural Heritage Impact Assessment submitted with the planning application as well as the Landscape and Visual Impact Assessment in the EIAR. In this regard, section 12.4 of my report above and my assessment of landscape visual impact below, should be read alongside this part of my EIA.

13.67. Mitigation is described in section 15.10 of the EIAR and comprises detailed methodology of the works to historic fabric on the site in accordance with conservation best practice. A profound impact is anticipated in relation to the gate lodge, which will be dismantled and reconstructed on the site. Moderate and slight impacts are also described in the EIAR concerning St. Teresa's House and entrance gates. These impacts are visual and temporary in nature, confined to the construction period. During the operational phase, no increased impact upon architectural heritage is identified.

13.68. I have described in detail in section 12.4 above my assessment of the proposed developments impact upon built heritage. I concur with the EIAR conclusions reached in relation to archaeological and cultural heritage and consider that mitigation will ensure no significant impact upon any hitherto undiscovered deposits or features. I am also satisfied, that in relation to architectural heritage, no permanent negative residual impact would result, with positive impacts as a result of

the refurbishment and occupation of the protected structures on the site, as well as the public use to be offered by the gate lodge as a café. I am recommending that Block C3 be omitted to allow greater appreciation of St. Teresa's House from the street, and with this amendment (alongside other amendments I recommend) I am satisfied that no negative impacts will result upon built heritage as a result of proposed structures on the site.

13.69. I note An Taisce's comments on the application (as noted in section 10 above) and specifically that the position of the Gate Lodge Conservation Report would visually and functionally re-establish the connection between the lodge and the entrance gates to Rockfield Park. The proposed position of the gate lodge in the current application, in my opinion, creates enhanced connection to the park, with an entrance from the site situated into the park and alongside the gate lodge itself. This entrance is integrated into the landscape, with the woodland parkland setting surrounding the lodge and forming an extension of the public open space within the park itself. I am therefore satisfied with the proposed development in this regard.

13.70. A number of appendices are also attached to the EIAR that support the analysis and conclusions reached in relation to archaeology and cultural heritage, and I have had regard to these in undertaking this EIA.

13.71. Material assets – Utilities

13.72. Chapters 6 'Land, Soils, Geology, Hydrogeology, Utilities' and Chapter 13 'Material Assets – Waste Management' of the submitted EIAR consider potential impacts arising from the proposed development in relation to utilities and waste management. The EIAR identifies that high voltage underground cables run through the site, and these will require relocation. A foul sewer is also identified coming from the Rockfield direction, and the pipe will require further investigation and possibly diversion. During the operational phase, the proposed development will require electricity supplies, which will be provided through the installation of new sub-stations within the development, with new cable services located underground. Gas supply will also be required during the operational phase primarily to serve the retail units, as the apartments will utilise exhaust air heat pumps for heating. Telecommunication connections will also be required, and can be met through a number of telecommunication providers with infrastructure available in the area.

Overall, the EIAR concludes that impacts upon utilities as a result of the proposed development are anticipated to be imperceptible and neutral.

13.73. Mitigation is described in section 6.7, this includes further site investigation prior to the commencement of works to determine the exact location of gas, telecommunication and electricity networks, in order to ensure that these will not be damaged during construction. Works will also be undertaken in consultation and in accordance with the requirements of utility and service providers, including Gas Networks Ireland and ESB Networks. The potential for cumulative impact is also considered in chapter 6. During the construction phase, service disruption may be unavoidable, but will be temporary, and impact is concluded to be imperceptible. No significant adverse impacts are anticipated in relation to utilities during the operation of the development, with positive effect concluded as a result of the expansion of the network.

13.74. The potential impact arising from waste during both construction and operation of the proposed development is considered in Chapter 13 of the EIAR. Section 13.9 of the EIAR describes mitigation measures with respect to waste management. During construction, this includes implementation of measures through a Construction and Demolition Waste Management Plan for the development, that will align with best practice guidance for the same. Waste arising from the construction phase will also be sorted and recycled where possible, with management of waste in compliance with the provisions of relevant legislation as set out in chapter 13. During the operational phase, waste management will be in accordance with the waste storage and collection arrangements set out in section 5 of the EIAR. Measures include the assignment of responsible to the Operator / Building Manager for coordinating waste management measures, including arranging for the sorting, reuse, recycling or recovery of waste where possible. As a result of the implementation of mitigation measures, the EIAR concludes that imperceptible and neutral impact would result from the proposed development in relation to waste, over the short-term period during construction and a long-term period during operational phase.

13.75. I concur with the conclusions reached in the EIAR concerning utilities and waste and I am satisfied that there are no significant permanent adverse impacts upon utilities and services, with impact predicted to be within acceptable parameters.

13.76. Landscape and visual

13.77. Chapter 11 of the submitted EIAR describes a landscape and visual impact assessment of the proposed development and is accompanied by photomontages and CGIs. I describe in detail my visual assessment of the proposed development in sections 12.4 and 12.5 above, which should be read alongside this part of my EIA.

13.78. The EIAR characterises the site as former institutional lands located on a dual carriageway, with a wide central reservation planted with London plane trees providing generous separation between the application site and existing residential development. Much of the surrounding area is recognised as being characterised by low rise and low density housing, however the EIAR states that as the subject site fronts onto the N31 National Primary Route which serves transport infrastructure of strategic importance, it is a robust environment that has experienced increased desertification in recent years. Large scale commercial buildings ranging in height from 2 to 5 storeys have been developed to the northwest of the subject site on Temple Road to the edges of the Blackrock District Centre. Other large scale buildings existing in the area include the 3 to 5 storey development at Les Buissonnets and the mixed use 3 to 6 storey Frascati Hall development. An additional 3 storeys of apartments are now under construction above the Frascati Shopping Centre (rising to a height roughly equivalent to an 8 storey residential building) and a previous application for a residential development up to 8 storeys was granted permission by An Bord Pleanála on the subject site itself (ref. ABP SHD 303804-19).

13.79. During the construction phase, negative visual impacts are anticipated, which will become neutral and positive as works progresses across the site. These impacts will be temporary and short-term effects of the development.

13.80. During the operational phase, the EIAR identifies a number of views where moderate to significant effect can be anticipated, where the proposed development will be most visible. This includes, from Temple Road, Temple Hill, St. Vincent's Park, Avondale Court, Rockfield Park, Barclay Court, Craigmore Gardens, Newtown Villas, Newtown Avenue, St. Louise's Park, Montpelier Place, Prospect Hill and the approach to the Alzheimer's Society buildings. The EIAR recognises that a conclusion on whether these effects may be considered positive or negative will be dependent upon the

attitude of the viewer, and there is therefore a subjective element in the conclusions reached in the EIAR on landscape and visual impact. Overall, the EIAR concludes that as visibility will be largely restricted to areas close to the subject site, and the pattern of more recent development in the area, the proposed development may be considered by some observers to be consistent with existing and emerging trends for development in the area.

13.81. I broadly concur with the conclusions reached in the EAIR, with the exception of proposed Blocks C3 and B4, which, as I have described above in sections 12.4 and 12.5 require amendment in my view, to preserve the open character of the site and ensure appropriate visual impact. With the incorporation of the amendments that I recommend, and specifically the omission of Block C3 and Block B4, I am satisfied that the landscape and visual impact of the proposed development will be within acceptable parameters and will not result in permanent significant negative effects. This is particularly in light of the positive contribution that, in my opinion, the proposed design will have upon the received streetscape.

13.82. The interaction between the above factors

13.83. A specific section on interactions between the topic areas under the EIAR is included within each individual topic chapter. Chapter 18 of the submitted EIAR is entitled 'Interactions' and highlights those interactions which are considered to potentially be of a significant nature. The development is concluded in the EIAR to have no significant negative impact when mitigation measures are incorporated.

13.84. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures contained in the EIAR, and the additional mitigation I suggest in my recommendation, I am satisfied that residual impact resulting from interaction between all factors is minimised.

13.85. Cumulative impacts

13.86. I note third party responses that the cumulative impact of development in the area should be considered alongside the current application. The proposed development would occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the

county development and local area plans which have been subject to Strategic Environment Assessment.

13.87. Each topic chapter in the submitted EIAR has considered cumulative impacts and I have highlighted these where most relevant to my assessment. The proposed land use of the development is in keeping with the zoning of the site, and the proposed development is generally within the provisions of the relevant plans, with the exception of height and density. It is therefore concluded that the culmination of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment, other than those that have been described in the EIAR and considered in this EIA.

13.88. Reasoned Conclusion on the Significant Effects

13.89. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

13.90. **Population and human health** - positive impacts in relation to the provision of new homes on lands zoned for housing, increased economic activity and with the provision of new public open space. Capacity is identified in relation to social infrastructure to support the future population of the development. Mitigation has been incorporated through the application of measures in a Construction Management Plan to reduce impact upon human health. The overall design including terms of energy efficiency and material finish is also highlighted as mitigation.

13.91. **Biodiversity** – with mitigation in place, no long-term significant impacts are expected. No residual impact upon internationally or nationally significant receptors will arise with mitigation in place. Residual impact upon biodiversity will be locally significant, with suitable mitigation in place to reduce impact on high value receptors. Mitigation includes the implementation of measures to limit and control impact during the construction phase, including measures to protect trees and reduce risk of discharge from the site, and ensure sensitivity to birds, badgers and bats. Removal of vegetation will be avoided during bird breeding season or require inspection by an ecologist prior to removal. During the operational phase, the incorporation of a range of measures,

including landscape management informed by a Woodland Management Plan will reduce impact.

13.92. **Land, soils, geology, water, air quality or climate** - with the implementation of construction management measures, as well as surface water management, attenuation, drainage of foul waters and through the design of buildings, no significant negative impacts are envisaged.

13.93. **Noise and vibration** – during the construction phase, negative impacts are anticipated. These impacts will be on a short-term, temporary basis and will be mitigated through measures in the Construction Management Plan. During the operational phase, sound insulation will be incorporated into the buildings. With mitigation in place, impact during operational phase will be neutral, long-term and ranging from imperceptible.

13.94. **Transportation** – the main impact from the development will be during the operational phase, with the use of mitigation measures described in the Construction Traffic Management Plan limiting any residual impact during construction which will be temporary and short-term. During the operational phase, no mitigation is described as the development is predicated to have a ‘not significant’ impact on the operational of local roads and junctions. In relation to the access to the site, this is demonstrated to operate within capacity in the opening years, approaching capacity level in the design year 2040. The EIAR also considers that positive impacts will arise from increased pedestrian and cyclist activity and demand for public and alternative transport created by the proposed development. Overall, impact will be within acceptable parameters.

13.95. **Material Assets - Archaeology and cultural heritage** - no significant permanent adverse impacts upon archaeological cultural heritage are anticipated, with the application of mitigation measures. Amendments are necessary to improve the relationship of the proposed development to the historic context of the site, including the omission of Block C3. With the incorporation of these amendments, no significant residual adverse impact arises. Mitigation also includes the incorporation of conservation practice standards to the repair and refurbishment of historic demesne fabric on the site.

13.96. **Material Assets – Utilities and waste** – in relation to utilities, during the construction phase, service disruption maybe unavoidable, but will be temporary, and impact is

concluded to be imperceptible. No significant adverse impacts are anticipated in relation to utilities during the operation of the development, with positive effect concluded as a result of the expansion of the network. In relation to waste, implementation of mitigation measures including waste management during construction and operation, ensure imperceptible and neutral impact would result from the proposed development, over the short-term period during construction and a long-term period during operational phase. Overall, impact will be within acceptable parameters.

13.97. **Landscape and visual impacts** – During construction, negative visual impact will be short-term and mitigated through construction management measures. During the operational phase, amendments are necessary to improve the visual and landscape impact of the development, including the omission of Block C3 and Block B4. With the incorporation of these amendments, positive effects upon landscape character and visual environment will result during operation.

13.98. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed in this EIA. I also consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

14.0 **Screening for Appropriate Assessment**

14.1. This section of the report considers the likely significant effects of the proposal on European sites. Where likely significant effects cannot be excluded, appropriate assessment is required to assess the likely effects on a European site in view of its conservation objectives and assesses whether adverse effects on the integrity of the site will or might occur in respect of each of the European site(s) considered to be at risk, and the significance of same. The assessment is based on the submitted Appropriate Assessment Screening Report submitted with the application.

14.2. I have had regard to the submissions of third parties in relation to the potential impacts on European sites, as part of the Natura 2000 Network of sites.

14.3. The Project and Its Characteristics

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

14.5. Likely significant effects on European Sites (Stage I Screening)

14.6. The subject site comprises open landscape with dense tree and scrub coverage, occupied by vacant and partially demolished structures that previously were in educational use. The following habitat types assigned using the Heritage Council classification system can be found on the site: Amenity grassland (improved) (GA2); Dry meadows and grassy verges (GS2); Hedgerows (WL1); Treelines (WL2); Buildings and artificial surfaces (BL3); Scrub (WS1); Scattered trees and parkland (WD5); (Mixed) broadleaved woodland (WD1); and Ornamental / non-native shrub (WS3); Flower beds and borders (BC4).

14.7. The subject site is not located within or adjacent to any European site. The Carysfort-Maretimo Stream flows northwards just west of the proposed development site.

14.8. I have had regard to the submitted Appropriate Assessment Screening Report, which identifies that while the site is not located directly within any European site, there are a number of European sites sufficiently proximate or linked to the site to require consideration of potential effects. These are listed below with approximate distance to the application site indicated:

- South Dublin Bay SAC (0210) c.300m;
- North Dublin Bay SAC (0206) c.5.4km;
- North Bull Island SPA (4006) c.5.2km;
- South Dublin Bay and River Tolka Estuary SPA (4024) c.300m;
- Howth Head SAC (0202) c.9.2km;
- Howth Head Coast SPA (4113) c.10.7km;
- Rockabill to Dalkey Island SAC (3000) c.5.4km;
- Dalkey Islands SPA (4172) c.5.5km;
- Baldoyle Bay SAC (0199) c.11km;
- Glenasmole Valley SAC (1209) 13.5km;
- Ireland's Eye SAC (2193) c.13.5km;
- Bray Head SAC (0714) c.12.4km;

- Wicklow Mountains SAC (2122) c.9.7km;
- Knocksink Wood SAC (0725) c.9.6km;
- Ballyman Glen SAC (0713) c.9.8km;
- Baldoyle Bay SPA (4016) c.11.1km;
- Wicklow Mountains SPA (4040) c.9.9km;
- Ireland's Eye SPA (4117) c.13.1km.

14.9. The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to 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), as well as by the information on file, including observations on the application made by prescribed bodies and Third Parties, and I have also visited the site.

14.10. The qualifying interests of all European sites considered are listed below:

Table 14.1: European Sites/Location and Qualifying Interests

Site (site code) and Conservation Objectives	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)
South Dublin Bay SAC (0210) c.300m; To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
North Dublin Bay SAC (0206) c.5.4km; To maintain or restore the favourable conservation	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310]

<p>condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
<p>North Bull Island SPA (4006) c.5.2km; To maintain the favourable conservation condition of the bird species and wetland habitats listed as Special Conservation Interests for this SPA.</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]</p>
<p>South Dublin Bay and River Tolka Estuary SPA (4024) c.300m;</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p>

<p>To maintain the favourable conservation condition of the bird species and wetland habitats listed as Special Conservation Interests for this SPA.</p>	<p>Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]</p>
<p>Howth Head SAC (0202) c.9.2km; To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]</p>
<p>Howth Head Coast SPA (4113) c.10.7km; To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p>
<p>Rockabill to Dalkey Island SAC (3000) c.5.4km;</p>	<p>Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]</p>

<p>To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	
<p>Dalkey Islands SPA (4172) c.5.5km;</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this 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>Baldoyle Bay SAC (0199) c.11km;</p> <p>To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>
<p>Glenasmole Valley SAC (1209) 13.5km;</p> <p>To restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p>

<p>Ireland's Eye SAC (2193) c.13.5km;</p> <p>To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p>
<p>Bray Head SAC (0714) c.12.4km;</p> <p>To maintain or restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]</p>
<p>Wicklow Mountains SAC (2122) c.9.7km;</p> <p>To maintain or restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] 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 Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p>
<p>Knocksink Wood SAC (0725) c.9.6km;</p> <p>To maintain or restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>
<p>Ballyman Glen SAC (0713) c.9.8km;</p> <p>To restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p>
<p>Baldoyle Bay SPA (4016) c.11.1km;</p> <p>To maintain the favourable conservation condition of the bird species and wetland habitats listed as Special Conservation Interests for this SPA.</p>	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Wetland and Waterbirds [A999]</p>

<p>Wicklow Mountains SPA (4040) c.9.9km;</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>Merlin (<i>Falco columbarius</i>) [A098] Peregrine (<i>Falco peregrinus</i>) [A103]</p>
<p>Ireland's Eye SPA (4117) c.13.1km;</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>Cormorant (<i>Phalacrocorax carbo</i>) [A017] Herring Gull (<i>Larus argentatus</i>) [A184] Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200]</p>

14.11. The above Table 14.1 reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration.

14.12. Potential Effects on Designated Sites

14.13. The submitted report identifies any pathways or links from the subject site to European Sites considered in this screening assessment, and I summarise this below.

14.14. The subject site does not overlap directly with any European site and therefore there is no risk of direct habitat loss or fragmentation to occur as a result of the development. The subject site does not support populations of any fauna species linked to the qualifying interest (QI) populations of European sites. The Carysfort-Maretimo Stream flows northwards just west of the proposed development site and hydrologically connects the proposed development site (indirectly) to European sites located downstream in Dublin Bay. The closest European site is South Dublin Bay

SAC and South Dublin Bay and River Tolka Estuary SPA located c.300m north of the proposed development site.

- 14.15. The Carysfort-Maretimo Stream may support otter populations which is a QI species of the Wicklow Mountains SAC. Due to the distance (c.9.7km) and foraging ranges for otter, any population of otter local to the subject site, would not form a local population of the Wicklow Mountains SAC. Similarly, while populations of Atlantic salmon may be supported in the Carysfort-Maretimo Stream, the stream is located in a different sub-catchment to the closest European sites for Atlantic salmon. Due to the distance to Dublin Bay (c.300m), no negative impact is anticipated to marine QI species supported by European sites for that area.
- 14.16. Bird surveys of the site revealed one special conservation interest (SCI) species flying over the site, the Black-headed gull. However, the species was not recorded foraging or roosting within the site, and the site itself does not comprise suitable habitat for that species (being unkept and densely populated with trees, shrubs and long grass). Similarly, the habitat within the site is not deemed suitable for Light-bellied brent geese (another SCI species) and while there are feeding sites for this species located at Blackrock Park (c.770m north west of the subject site), the subject site itself does not support this species.
- 14.17. There is no direct hydrological pathway in the underlying aquifer or through land ditches or streams during construction or operation to European sites. There is an indirect pathway through the public sewer to European sites from the proposed development.
- 14.18. Surface water run-off and discharges from the proposed development will drain to the existing and proposed local surface water drainage network. The submitted screening report confirms that surface water run-off from the proposed development will be attenuated to greenfield run-off rates before discharge into the Carysfort-Maretimo Stream, with surface drainage designed in accordance with the Greater Dublin Strategic Drainage Study.
- 14.19. During the construction phase, the implementation of best practice construction measures will prevent harmful discharges into the hydrological network. These measures are not designed or intended specifically to mitigate any putative potential effect on European sites. They constitute the standard approach for construction

works in an urban area. 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 European site or any intention to protect a European site. It would be expected that any competent developer would deploy them for works on a site whether or not they were explicitly required by the terms or conditions of a planning permission.

14.20. Foul water will be discharged to Ringsend waste water treatment plant (WWTP) and there is no direct pathway for foul sewage to any receiving water body (including the Carysfort-Maretimo Stream). Stormwater is also to be discharged through a combined sewer towards the Ringsend WWTP. There are capacity issues associated with the Ringsend WWTP, however despite this, the Liffey Estuary Lower and Dublin Bay are currently classified by the EPA as being 'unpolluted'. The Tolka Estuary is currently classified by the EPA as being 'Potentially Eutrophic'. The increase in loading at the Ringsend treatment plant arising from the proposed development will be small relative to its overall capacity. The Ringsend WWTP has been granted permission under section 37G of the Planning and Development Act 2000 (Board Order ABP-301798-18), 10-year permission for development comprising revisions and alterations to the existing and permitted development at the Ringsend Wastewater Treatment Plant and for a new Regional Biosolids Storage Facility, being two components of an integrated wastewater treatment facility. These works will bring the capacity of the Wastewater Treatment Plant from its current 1.9 million PE to 2.4 million PE. There is also no evidence that pollution through nutrient input is affecting the conservation objectives of the European sites.

14.21. Given the distance between the subject site and the closest European sites at Dublin Bay to which there is an indirect hydrological link, there would be significant dilution of any discharges from the site, and these therefore would not negatively impact on European sites.

14.22. The submitted report concludes that there would be no adverse effect upon habitats (including from degradation, fragmentation, disturbance or displacement of species), no changes to population density of species or changes to water quality and resource at any European sites as a result of the proposed development.

14.23. I concur with the conclusions reached in the submitted report, and for the reasons I outline above, I am satisfied that impact on all European sites is unlikely during both construction and operation phases, due to the distance and/or the lack of hydrological connectivity or any other connectivity with the application site in all cases.

14.24. In combination / cumulative effects

14.25. The submitted report identifies the potential for in combination effects on water quality at Dublin Bay from other projects in the area. However, any development would be required to comply with policy objectives in the Development Plan relating to the protection of European sites and water quality at Dublin Bay.

14.26. Upgrading works at the Ringsend waste water treatment plant and implementation of the Greater Dublin Strategic Drainage Study will also address future capacity demand. The implementation of new surface water attenuation measures will also be required in all developments, and this will enhance the quality of run off and so assist in meets the goals of the Water Framework Directive.

14.27. No other in-combination effects are identified. I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to any European Sites.

14.28. AA Screening Conclusion

14.29. In conclusion, 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, the lack of hydrological or any other pathway and/or the dilution effect that would occur to any discharges from the site, it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have effects 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.

14.30. 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.

15.0 Conclusion

- 15.1. The proposed development for residential apartment blocks up to 10 storeys in height and including works to protected structures is acceptable on this site zoned Objective A under the Dún Laoghaire Rathdown Development Plan 2016-2022 'To protect and-or improve residential amenity'. The proposed development also incorporates extensive public open space, including woodland parkland to be publicly accessible and forming a visual extension to Rockfield Park in areas overlapping land zoned Objective F under the Development Plan 'to preserve and provide for open space with ancillary active recreational amenities'. While tree and hedge removal are proposed on the site which is identified for the protection of trees and woodlands, this tree removal has been minimised to that necessary to facilitate this development for residential use on zoned residential land, and compensatory tree planting and alongside tree retention will ensure that the sylvan character of the of the site is preserved.
- 15.2. I am satisfied, that with amendments that I recommend in conditions below and as described in my assessment above (particularly the omission of Block C3 and Block B4), the proposed design satisfies national and local planning policy for the site and will ensure the site retains its open character, specifically in light of its zoning as Institutional Lands.
- 15.3. The proposed development will retain and refurbish St. Teresa's House, a protected structure, included the dismantling and reconstruction of the gate lodge, a protected structure and preservation of the monumental entrance gates, a protected structure, with the proposed development allowing better appreciation of these heritage assets and contributing to the longevity of those structures. The provision of increased height and higher density residential development at this location is also desirable with regard to its accessible location and proximity to public transport and surrounding infrastructure.
- 15.4. The height, bulk and massing, detailed design and layout of the scheme (in amended form) are acceptable. I am also satisfied that the development would not have any significant adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from an acceptable standard of internal amenity. The overall provision of car parking and cycle parking is considered

acceptable. I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere.

- 15.5. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

16.0 Recommendation

Planning and development Acts 2000 to 2019

Planning Authority: Dún Laoghaire Rathdown County Council

- 16.1. 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 by Oval Target Limited care of Brock McClure Planning & Development Consultants, 63 York Road, Dún Laoghaire, Co. Dublin.

Proposed Development

- 16.2. The proposed development is for 493 no. residential apartment units with residential amenities, a creche and café as follows:
- Works on a site that contain registered protected structures (RPS): St. Teresa's House (or Centre) (RPS.398) a 3 storey Victorian house; St Teresa's Lodge known as 'The Gate Lodge' a single storey property located at the main entrance to the site off Temple Hill (RPS.1960); and Entrance Gates along the north of the site (RPS.398);
 - Subdivision, conversion and re-use of 'St. Teresa's House' (block H);
 - The dismantling, relocation and change of use from residential to café of 'St. Teresa's Lodge' (Block G) within the site development area;
 - Demolition works (total c.207sqm GFA) comprise of: (a) a single storey return (c.20sqm) along the boundary with The Alzheimer's Society of Ireland; (b) the ground floor switch room (c.24.9sqm); (c) ground floor structures northwest of St. Teresa's House (26.8sqm); (d) basement boiler room northwest of St.

Teresa's House (17sqm); (e) ground floor structures northeast of St. Teresa's house (22sqm); (f) basement stores northeast of St. Teresa's house (67.8sqm); and (g) a non-original ground floor rear extension (c.28.5sqm) associated with the Gate Lodge.

- A combination of new apartment buildings (blocks A1-C2 and D1-E2);
 - Block A1 (5 storeys) comprising 37 no. apartments (33 no. 1 bed units and 4 no. 2 bed units);
 - Block B1 (10 storeys) comprising 55 no. apartments (37 no. 1 bed units, 10 no. 2 bed units and 8 no. 3 bed units);
 - Block B2 (8 storeys) comprising 42 no. apartments (28 no. 1 bed units, 9 no. 2 bed units and 5 no. 3 bed units);
 - Block B3 (8 storeys) comprising 42 no. apartments (28 no. 1 bed units, 9 no. 2 bed units and 5 no. 3 bed units);
 - Block B4 (5 storeys) comprising 41 no. apartments (4 no. studio units, 4 no. 1 bed units, 27 no. 2 bed units and 6 no. 3 bed units);
 - Block C1 (3 storeys) comprising 10 no. apartments (1 no. studio units, 3 no. 1 bed units and 6 no. 2 bed units);
 - Block C2 (3 storeys) comprising 6 no. apartments (2 no. 1 bed units and 4 no. 2 bed units) together with a creche facility of 392sqm at ground floor level and outdoor play area space of 302sqm;
 - Block C3 (1 storey over basement level) comprising residential amenity space of 451sqm;
 - Block D1 (6 storeys) comprising 134 no. apartments (12 no. studio units, 22 no. 1 bed units, 90 no. 2 bed units and 10 no. 3 bed units);
 - Block E1 (6 storeys) comprising 70 no. apartment units (34 no. 1 bed units, 26 no. 2 bed units and 10 no. 3 bed units);
 - Block E2 (6 storeys) comprising 50 units (1 no. studio units, 29 no. 1 bed units and 2 no. 3 bed units);
- Block H (St. Teresa's House) comprising 6 apartments (5 no. 2 bed units and 1 no. 3 bed unit), including the demolition of non-original additions and

partitions, removal and relocation of existing doors, re-instatement of blocked up windows, replacement of windows, repair and refurbishment of joinery throughout and the upgrade of roof finishes and rainwater goods where appropriate;

- Each new residential unit has associated private open space in the form of a terrace / balcony;
- Relocation of St Teresa's Lodge (Block G) 180m to the south west of the development site adjacent to Rockfield Park, with deconstruction at the original location and reconstruction at the new location using original roof timbers, decorative elements and rubble stonework, with original brickwork cleaned and re-used where appropriate. A non-original extension will be demolished and a new extension added, along with change of use from residential to café;
- Creche comprising c.392sqm;
- Total open space (c.15,099.7sqm) is proposed as follows: (a) public open space (c.11,572.3sqm) in the form of a central parkland, garden link, woodland parkland (incorporating an existing folly, a tree belt; and (b) residential communal open space (c.3,527.4sqm) in the form of entrance gardens, plazas, terraces, gardens and roof terraces for Blocks B2 and B3.
- Provision is also made for new pedestrian connections to Rockfield Park on the southern site boundary and Temple Hill along the northern site boundary;
- A total of 252 residential car parking spaces (161 at basement level and 91 at surface level);
- 1056 bicycle spaces (656 at basement level and 400 at surface level);
- 20 motorcycle spaces at basement level;
- 8 car parking spaces for the proposed creche;
- Bin storage areas, bike storage areas, ESB substations and switch rooms with a combined floor area of 356sqm at surface level;
- Works to the existing entrance to St. Teresa's, the adjoining property at 'Carmond' and residential development at St. Vincent's Park from Temple Hill

(N31/R113), comprising the realignment and upgrade of the existing signalised junction and associated footpaths to provide for improved and safer vehicular access/egress to the site and improved and safer access/egress for vehicular traffic to/from the property at 'Carmond' and the adjoining residential development at St. Vincent's Park;

- Emergency vehicular access and pedestrian/cyclist access is also proposed via a secondary long established existing access point along Temple Hill. There are no works proposed to the existing gates (Protected Structure) at this location;
- Associated site and infrastructural works including provision for water services; foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works including tree protection; green roofs; boundary treatment; internal roads and footpaths; and electrical services including solar panels at roof level above Blocks A1, B1-B4, C1-C3, D1, E1, E2.

Decision

Grant 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.

17.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

In coming to its decision, the Board had regard to the following:

- (a) the location of the site in the established urban area of Dún Laoghaire Rathdown in an area zoned for residential (under 'Objective A' with the associated land use objective '*to protect and-or improve residential amenity*') with public open space to be located in an area zoned Objective F under the Development Plan 'to preserve and provide for open space with ancillary active recreational amenities';
- (b) the policies and objectives of the Dún Laoghaire Rathdown Development Plan 2016-2022;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Housing for All – A New Housing Plan for Ireland;
- (d) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2020;
- (g) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (h) The Architectural Heritage Protection- Guidelines for Planning Authorities (2011).
- (i) The nature, scale and design of the proposed development and the availability in the area of public transport and water services infrastructure;
- (j) The pattern of existing and permitted development in the area, including previously approved SHD application on the site ABP 303804-19;
- (k) The planning history of the area;
- (l) The submitted EIAR;
- (m) The AA Screening Report in relation to potential effect upon European sites;

- (n) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan;
- (o) The submissions and observations received;
- (p) The Chief Executive Report from the Planning Authority and specifically the recommended reasons for refusal; and
- (q) The report of the inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be appropriate to the historic sensitivity of the site and would otherwise be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account 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, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have effects on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions from the Planning Authority, the observers and prescribed bodies in the course of the application,
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the

impacts listed below. A Construction Management Plan is the overarching general mitigation relevant to the project design and delivery for the construction stage.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- 17.1. **Population and human health** - positive impacts in relation to the provision of new homes on lands zoned for housing, increased economic activity and with the provision of new public open space. Capacity is identified in relation to social infrastructure to support the future population of the development. Mitigation has been incorporated through the application of measures in a Construction Management Plan to reduce impact upon human health. The overall design including terms of energy efficiency and material finish is also highlighted as mitigation.
- 17.2. **Biodiversity** – with mitigation in place, no long-term significant impacts are expected. No residual impact upon internationally or nationally significant receptors will arise with mitigation in place. Residual impact upon biodiversity will be locally significant, with suitable mitigation in place to reduce impact on high value receptors. Mitigation includes the implementation of measures to limit and control impact during the construction phase, including measures to protect trees and reduce risk of discharge from the site, and ensure sensitivity to birds, badgers and bats. Removal of vegetation will be avoided during bird breeding season or require inspection by an ecologist prior to removal. During the operational phase, the incorporation of a range of measures, including landscape management informed by a Woodland Management Plan will reduce impact.
- 17.3. **Land, soils, geology, water, air quality or climate** - with the implementation of construction management measures, as well as surface water management, attenuation, drainage of foul waters and through the design of buildings, no significant negative impacts are envisaged.
- 17.4. **Noise and vibration** – during the construction phase, negative impacts are anticipated. These impacts will be on a short-term, temporary basis and will be mitigated through measures in the Construction Management Plan. During the operational phase, sound insulation will be incorporated into the buildings. With mitigation in place, impact during operational phase will be neutral, long-term and ranging from imperceptible.

- 17.5. **Transportation** – the main impact from the development will be during the operational phase, with the use of mitigation measures described in the Construction Traffic Management Plan limiting any residual impact during construction which will be temporary and short-term. During the operational phase, no mitigation is described as the development is predicated to have a ‘not significant’ impact on the operational of local roads and junctions. In relation to the access to the site, this is demonstrated to operate within capacity in the opening years, approaching capacity level in the design year 2040. The EIAR also considers that positive impacts will arise from increased pedestrian and cyclist activity and demand for public and alternative transport created by the proposed development. Overall, impact will be within acceptable parameters.
- 17.6. **Material Assets - Archaeology and cultural heritage** - no significant permanent adverse impacts upon archaeological cultural heritage are anticipated, with the application of mitigation measures. Amendments are necessary to improve the relationship of the proposed development to the historic context of the site, including the omission of Block C3. With the incorporation of these amendments, no significant residual adverse impact arises. Mitigation also includes the incorporation of conservation practice standards to the repair and refurbishment of historic demesne fabric on the site.
- 17.7. **Material Assets – Utilities and waste** – in relation to utilities, during the construction phase, service disruption maybe unavoidable, but will be temporary, and impact is concluded to be imperceptible. No significant adverse impacts are anticipated in relation to utilities during the operation of the development, with positive effect concluded as a result of the expansion of the network. In relation to waste, implementation of mitigation measures including waste management during construction and operation, ensure imperceptible and neutral impact would result from the proposed development, over the short-term period during construction and a long-term period during operational phase. Overall, impact will be within acceptable parameters.
- 17.8. **Landscape and visual impacts** – During construction, negative visual impact will be short-term and mitigated through construction management measures. During the operational phase, amendments are necessary to improve the visual and landscape impact of the development, including the omission of Block C3 and Block B4. With the

incorporation of these amendments, positive effects upon landscape character and visual environment will result during operation.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, or historic environment, would be acceptable in terms of urban design, height, scale, mass, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the Planning Authority and particularly the recommended reasons for refusal, which was addressed in detail in the Inspector's Report. It was considered that while the height, scale and mass of the development was generally acceptable, Block B4 and Block C3 should be omitted, in order to preserve the open character of the site and ensure an appropriate relationship to the street and with protected structures on the site. Cognisant of the Planning Authority's recommended reasons for refusal, the Board concluded that the development would not result in overbearance or undue overlooking of adjacent sites or within the proposed development itself and would represent an acceptable standard of quality for the proposed accommodation, but that the amendments described to the development would consequently improve the visual impact on this historically sensitive site and to Temple Road. The Board therefore concluded that the height, scale and mass of the proposed development would be appropriate following amendments secured by conditions and that the proposed development was acceptable in all other respects.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene

The Dún Laoghaire Rathdown County development Plan 2016-2022 in relation to the density and policy RES3, the removal of trees on a site subject to an objective to

protect and preserve trees and woodlands, and the dismantling and reconstruction of the Gate Lodge which is a protected structure on the site; as well as The Blackrock Local Area Plan 2015 (extended to 2025) in relation to building height (exceeding the height ranges for the site), residential mix (in terms of the provision of 100% apartments), density (exceeding the range under the plan), the removal of trees and the dismantling and reconstruction of a protected structure on a site with objectives protecting both trees and built heritage, and the non-orthogonal arrangement to Temple Road.

The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the County Development and Local Area Plans would be justified for the following reasons and consideration.

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

The strategic nature of the site for the delivery of housing, on a site that is strategically important for the delivery of housing in Blackrock in Dún Laoghaire Rathdown with excellent public transport accessibility and for a significant number of new homes, which follows the principles described in national planning policy documents and guidelines which promote compact growth.

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

The Blackrock Local Area Plan 2015 (extended to 2025) contains conflicting objectives with policy UD6 and the Height Strategy in Appendix 9 of the Dún Laoghaire Rathdown County Development Plan 2016-2022.

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

With respect to height, the characteristics of the subject site reflect the national planning policy approach in relation to compact growth, as described in the Urban Development and Building Height, Guidelines for Planning Authorities (2018) and the

proposed development satisfies the criteria under section 3.2 of those guidelines and SPPR 3. With respect to the dismantling and reconstruction of the Gate Lodge protected structure on the site, the exceptional circumstances that have been satisfied under the Architectural Heritage Protection Guidelines. With respect to density and the loss of trees on the site, the characteristics of the subject site reflect national planning policy guidelines that promote increased housing delivery on appropriate sites, including Rebuilding Ireland, An Action Plan for Housing and Homelessness and Project Ireland 2040 – National Planning Framework in relation to compact growth, particularly objectives 33 and 35 of the NPF which seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. As well as the Sustainable Residential Development Guidelines, which promote increased densities on appropriate sites, including intuitional lands where the open character of the site is optimised through design, and the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020) which identify the characteristics of sites suitable for higher density development. With respect to mix, and the provision of 100% apartment units on this site with characteristics that reflect the national planning policy approach in relation to compact growth, as described in the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020).

Specifically, as a result of the site being located in a central/accessible area, being situated a 10 minute walking distance to DART services at Blackrock Station, where higher density and development wholly comprising apartments is supported.

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

Section 37(2)(b) (iv) in relation to the pattern of development/permissions granted in the area since the adoption of the Blackrock Local Area Plan and Dún Laoghaire Rathdown County Development Plan 2016-2022, of particular relevance, the Board have previously approved an apartment development on the site in exceedance of the heights described in the Blackrock Local Area Plan, with a non-orthogonal arrangement to Temple Road, which included the dismantling and reconstruction of

the gate lodge a protected structure, as well as with a similar quantum of tree removal from the site.

18.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
 - (i) Omission of Block C3 from the proposal and this area appropriately landscaped. The tenant amenity facilities located within Block C3 shall be relocated to the ground floor of Block C1.
 - (ii) Amendment of the first floor to Block C2 to change the use of this from residential to childcare.
 - (iii) Omission of Block B4 and this area appropriately landscaped.
 - (iv) Revised floor plans at levels 00 and 01 in Block D1, showing the combination of floor area to the studio situated adjacent to a 1 bed unit, with these areas combined and amended to form a 2 bed unit on each floor respectively.
 - (v) Revised details of the boundary treatment and interface between the southern section of the site adjacent to Blocks E1 and D1 and Rockfield Park. Boundary treatment should align and enclosure the proposed buildings, and not the public open space, which should be freely accessible to members of the public on a permanent and 24hr basis from the park.

- (vi) The inclusion of obscure glazed windows within opposing elevations for Blocks A1 and B1; and E1 and E2, for at least one window in all direct window facing relationships.
- (vii) The location of a bus stop along Temple Road to be determined in liaison with the National Transport Authority.
- (viii) Details of the access ramp to the basement cycle storage areas to demonstrate adequate accessibility for cyclists.

Reason: In the interests of proper planning and sustainable development, to safeguard the architectural heritage of the area, to ensure an appropriate relationship to the street, preservation of the open character of the site, to ensure an appropriate mix of units, to enhance permeability and to secure the integrity of the proposed development including the public park.

3. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 19 of the EIAR 'Summary of Mitigation Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

4. The development shall be carried out on a phased basis, in accordance with a phasing scheme to be submitted and approved by the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

5. No residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written

satisfaction of the planning authority that a childcare facility is not needed (at this time).

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

6. Public and free access shall be retained to all open spaces with the site and between Rockfield Park and the open spaces within the site, without gated access and unrestricted at all times.

Reason: In order to accommodate unrestricted access at all times through public open spaces in the subject site.

7. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

8. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed, including providing details of visitor parking and car club spaces (minimum of 6).

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units (and the remaining development).

9. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

10. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, access road to site and St. Vincent's Park and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

11. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To ensure the satisfactory completion and maintenance of this development.

13. Detailed specifications of the sedum roof areas to be submitted to, and approved by the Planning Authority prior to the commencement of the development.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure ecological best practice.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works,

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove,

(d) should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to the necessary mitigating action (e.g. preservation in situ or excavation) and should facilitate the archaeologist in recording any material found, and

the Planning Authority and the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

15. All works to the protected structure, shall be carried out in accordance with the submitted conservation report and under the supervision and in accordance with the requirements of a qualified professional with specialised conservation expertise (RIAI Grade 2 or higher).

Reason: To secure the authentic preservation of the protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

16. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management

- 17.(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of retained trees, as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees or hedging which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

18. During the construction phase, the developer shall adhere to the 'Guidelines for the Treatment of Badgers prior to the Construction of National Road Schemes', published by the National Roads Authority in 2006. In particular, there shall be no blasting or pile driving within 150 metres of an active badger sett during the breeding season (December to June) or construction works within 50 metres of such an active sett during the breeding season.

Reason: In the interest of wildlife protection.

19. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to

be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

20. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted EclA for the application, in addition to the following:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of access points to the site for any construction related activity, which shall be from Temple Road only;
- c) Location of areas for construction site offices and staff facilities;
- d) Details of site security fencing and hoardings;
- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

21. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

22. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

24. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

25. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

26. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development/installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity.

27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are

removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of the trees on the site.

28. Bat roosts shall be incorporated into the site and the recommendation of the EIAR shall be carried out on the site to the written satisfaction of the planning authority and in accordance with the details submitted to An Bord Pleanála with this application unless otherwise agreed in writing with the planning authority

Reason: To ensure the protection of the natural heritage on the site.

29. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

30. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other

security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

Rachel Gleave O'Connor
Senior Planning Inspector

08 April 2022