



An
Bord
Pleanála

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

Inspector's Report ABP-312935-22

Strategic Housing Development

Demolition of all structures,
construction of 111 no. apartments
and associated site works.

Location

Sommerville House, Dundrum Road,
Dublin 14.

Planning Authority

Dun Laoghaire Rathdown County
Council

Applicant

Eircom Limited (Eir)

Prescribed Bodies

(1) Uisce Eireann

Observer(s)

(1) An Taisce
(2) Carol Dalton
(3) Derek Byrne

- (4) Mary Forrest
- (5) Dymrna Murray
- (6) Helen Holland
- (7) Mark Jones
- (8) Sina Collier, Hillary Roche,
Karolina LeDuff & Others (Residents
of Sommerville, Larchfield and
Rosemount Estate)
- (10) Vincent & Karolina LeDuff
- (11) Edith Andrees & Ian McFadden
(Residents of Frankfort Court)
- (12) Carol Power
- (13) Alicia Bolocco
- (14) Edmund Morris
- (15) Mogan Costello
- (16) Frances O'Halloran
- (16) John Conway and Louth
Environmental Group
- (17) Hilary Roche

Date of Site Inspection

01st May 2024

Inspector

Colin McBride

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site has a stated area of 0.79ha and is located on the eastern side of the Dundrum Road to the north of Dundrum town centre. The area is characterised by a mix of commercial units, apartments and housing of varying heights/scale and design. A rubble stone wall forms the boundaries of the site with a number of mature trees along the boundaries. The site is currently occupied by a telecommunications exchange operated by Eir. The site is accessed through an entrance off the access road serving Sommerville housing estate to the north. There is extensive surface parking on site which serves the current use. The existing housing development of Sommerville is located to the north and consist of two-storey terraced dwellings with no.s 13-20 and 38-48 backing onto the northern boundary of the site. The existing housing development of Larchfield is located to the south and consist of two-storey detached dwellings with no.s 1-6 backing onto the southern boundary of the site. To the east of the site is Rosemount Estate with two-storey semi-detached dwellings backing onto the eastern boundary. The western boundary of the site is defined by the Dundrum Road (R117).

3.0 Proposed Strategic Housing Development

- 3.1. This is an application for a permission consisting of the demolition of existing structures on site and the construction 111 no. apartments and associated site works. The development consists of the construction of 2 no. apartment blocks (Block A and B) comprising 3 no. studio units, 51 no. one-bed units, 46 no. 2 bed units (four person), 11 no. 2 bed (three person) units. Block A (western block fronting Dundrum Road) comprises a 6-storey block (5 levels over lower ground level/semi-basement) stepping down to the east to 4-storeys in height. Block B (eastern block, towards rear of the site) is part 2 and 3 storey. The development has a gross floor area of 10,291sqm and includes internal communal ancillary residential (post room, a shared amenity/lounge and storage room).

- 3.2. A semi-basement/lower ground floor level is provided in Block A that will be accessed via a vehicular ramped access/egress onto/off Sommerville Road to the north. The basement provides 2 no. refuse stores, 39 no. car parking spaces (10 facilitate EV's and 3 no. car club spaces), secure bicycle parking/storage areas (164 no. resident cycle parking spaces, 2 no. cargo bike storage); 3 no. motorcycle spaces; plant room and an ESB substation/switchroom.
- 3.3. At ground/surface level there is provision of 2 no. accessible spaces (fitted for EV's) and 56 no. short-stay bicycle parking spaces and 6 no. long-stay bicycle spaces (Sheffield stands) and 2 no. cargo bike spaces. An enclosed bin storage area is provided at surface level to the north of Block B.
- 3.4. Communal outdoor amenity space is provided in the form of rooftop terraces at the second floor of Block A and B (360sqm) and communal courtyard spaces at ground floor level between the blocks (1,563sqm). Private amenity space is provided in the form of patios/terraces at lower ground and ground level and balconies at upper levels. Hard and soft landscaping works are proposed with provision of footpaths, fire tender access and an informal play area.
- 3.5. There is provision of 4 no. Rooftop telecommunication antennae (Block A) and an associated base station/cabinet at lower ground floor level of Block A. Works are proposed to the existing Somerville and Drundrum Road junction to include provision of an uncontrolled pedestrian crossing (including dropped kerbs and tactile paving) and reduced junction radii to 6.0m. Works proposed at the site access from Sommerville Road include provision of an uncontrolled pedestrian crossing (including dropped kerbs and tactile paving).
- 3.6. Key Development Statistics are outlined below:

	Proposed Development
Site Area	0.79 ha gross
No. of Units	111 apartments
Density	141 units per ha
Height	Block A 6 storeys

	Block B 2-3 storeys
Dual Aspect	116 units (52%)
Public Open Space	0sqm
Communal Open Space	1,923sqm
Car Parking	41
Bicycle Parking	230

3.7. Unit mix is as follows:

Unit Type	Studio	1-bed	2-bed (3 person)	2-bed (4 person)
Apartment	3	51	11	46
Total %	2.7%	45.9%	9.9%	41.4%

3.8. The application included the following:

- Response to ABP Opinion
- Planning Report and Statement of Consistency
- Housing Quality Assessment
- Material Contravention Statement
- Engineering Services Report
- Residential Amenity Considerations Report
- Urban Design Report
- Landscape Design Report
- Landscape and Visual Appraisal Report
- Tree Survey
- Car Parking Management Strategy
- DMURS Statement
- Flood Risk Assessment

- Traffic and Transport Assessment
- Mobility Management Plan
- Construction Management Plan
- Construction and Demolition Management Plan
- Quality Audit
- Daylight, Sunlight and Overshadowing Report
- Appropriate Assessment Screening
- Article 299 Statement
- Construction Phase Environmental Management Plan
- EIAR Screening
- Photomontages
- Noise Impact Assessment
- Energy Report
- External Lighting Report
- Operational Waste Management Plan
- Building Lifecycle Report
- Universal Access Statement
- Social Infrastructure Assessment

4.0 Planning History

On the site

D09A/0614: Permission granted for demolition of existing structures on site and construction of 30 no. dwellings comprising 7 no. 2 bedroom own door apartments, 18 no. 3 bedroom 3-storey terraced houses, 5 no. 3-storey semi-detached houses and associated site works. Granted 06/05/10.

Surrounding area

TA06D.311287: Permission granted for 115 no. apartments, creche and associated site works at Frankfort Castle, Old Frankfort, Dundrum, Dublin 14, which is located to the west of the site. Granted 20/12/21.

5.0 Section 5 Pre-Application Consultation - ABP-309697-21

5.1. A Section 5 pre-application consultation took place on the 18nd of May 2021 in respect in respect of a development for the demolition of existing structures on site and the construction of 111 no. apartments, 4 no. telecommunications antennae and associated site works. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The topics discussed at the meeting were...

- Residential amenity concerns pertaining to overlooking of private amenity space associated with adjacent residential properties in Sommerville and Larchfield.
- Overlooking from roof garden in Block B.
- Need to demonstrate compliance with section 8.2.9.9 relating to telecommunications antennae and structures.
- Impact on trees needs to be addressed further, encroachment of Block B on root protection area of identified tree. Reference to objective 'to preserve trees and woodlands.
- Provision of 3 bed units should be considered.
- No public open space is proposed. Therefore, provision of open space or payment of a contribution in lieu is required.
- Need to comply with apartment standards.
- Reference to downward and upward modifiers regarding proposed height. It is considered that the proposal benefits from 2 no. upward modifiers (a) size of site and b) urban design benefits in the form of presenting a strong urban edge).
- Telecommunications antennae due to slenderness are not deemed to result in a negative visual impact.
- General satisfaction that no significant impacts will be caused on surrounding properties in terms of daylight/sunlight/overshadowing.
- Proposal is for 111 apartments.
- Parking at ratio of 0.37 is not considered acceptable.

- Proposal exceeds requirements for cycle parking standards.
- Reference to Transportation Planning Report regarding works to improve the interface with Dundrum Road and improve the quality of the public realm.
- Proposal should minimise impacts on bat population.
- Presence of 2 no. foxes is noted.
- Refer to Drainage Division report.
- Refer to Transportation Planning report.
- Refer to Housing Department report.

5.2. Copies of the record of the meeting and the inspector's report are on this file.

5.3. In the Notice of Pre-Application Consultation Opinion dated 24th May 2021 (ABP-309697-21) An Bord Pleanála stated that it was of the opinion that the documents submitted constitute a reasonable basis for an application for strategic housing development and that the following specific information should be submitted with any application for permission arising:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application demonstrate/justify the suitability of the proposed site to accommodate the proposed height, residential density and housing mix with regard to the provisions of the current Dun Laoghaire Rathdown Development Plan and relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).

2. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2020 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed

apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the guidelines should also be submitted.

3. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, access to day light/sunlight, overshadowing, overbearing and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development. The assessment shall also include assessment of proposed units within the scheme and communal open space areas.

4. An Ecological Impact Assessment.

5. An Archaeological Impact Assessment.

6. A Tree survey, Trees Constraints Plan, Tree Restoration/Replacement Plan and Arboricultural Assessment.

7.

a) Traffic Impact Assessment

b) Justification/rationale for the extent of car parking proposed, having regard to the location of the site and its proximity to public transport services. This should also include a Car Parking Strategy and Mobility Management Plan.

c) Address issues raised in the Transportation Planning report included in the Planning Authority's Opinion dated the 26th April 2021.

8. Justification/rationale for approach to childcare provision.

9. Address issues raised in the Drainage Division report included in the Planning Authority's Opinion dated the 26th April 2021.

10. Address issues raised in the Irish Water Submission dated 16th April 2021.

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

12. A draft Construction & Environmental Management Plan and a draft Waste Management Plan.

13. Where the prospective applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

5.4. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

- Irish Water
- Dun Laoghaire Rathdown Childcare Committee

5.5. ***Applicant's Statement***

5.5.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. The Items that required further consideration are summarised below: -

Privacy and Overlooking

Where separation between proposed and existing facades is less than 22m, a number of design measures are proposed including lack of north or south facing windows, blink windows (angled), partly obscured glazing, a staggered floor plate to create west facing windows, fitting of fins/screens and screening of balcony areas.

Daylight Sunlight Conditions

A Daylight, Sunlight and Overshadowing Report has been submitted and demonstrates overall impact in terms of daylight, sunlight and overshadowing on adjoining properties and an assessment of internal daylight, sunlight standards for the development as well as overshadowing and sunlight standards of amenity spaces.

Visual Impact

A Landscape and Visual Impact Assessment (LVIA) has been submitted to demonstrate overall visual impact in the surrounding area.

Noise

A Noise Impact Assessment has been prepared submitted. Construction noise impact will be short-term/temporary and mitigated by construction management. The operational phase will not cause adverse impact with mitigation in the form of landscaping and planting and acoustic shielding on plant equipment.

6.0 Relevant Planning Policy

6.1. *Dun Laoghaire Development Plan 2022 -2028*

- 6.1.1 The Dun Laoghaire Rathdown County Development Plan 2022 – 2028 was adopted on the 10th March 2022 and came into force on the 21st April 2022 and is the current statutory plan for the subject lands (application was lodged before adoption of the

plan). The relevant Chapters of the Written Statement to this development include Chapter 2 – Core Strategy, Chapter 4 – Neighbourhood-People, Homes and Place, Chapter 8 – Green Infrastructure and Biodiversity, Chapter 10 – Environmental and Flood Risk, Chapter 12 – Development Management, Chapter 13 – Land Use Zoning and Chapter 14 – Specific Local Objectives.

6.1.2 The subject lands are zoned Objective A in the Dun Laoghaire Rathdown County Development Plan and the objective is ‘to protect and-or improve residential amenities.’

6.1.3 Policy Objective PHP18: Residential Density It is a Policy Objective to: Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.

Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

6.1 4 Policy Objective PHP20: Protection of Existing Residential Amenity. It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

- On all developments with a units per hectare net density greater than 50, the applicant must provide an assessment of how the density, scale, size and proposed building form does not represent over development of the site. The assessment must address how the transition from low density to a higher density scheme is achieved without it being overbearing, intrusive and without negatively impacting on the amenity value of existing dwellings particularly with regard to

the proximity of the structures proposed. The assessment should demonstrate how the proposal respects the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring uses.

- On all developments with height proposals greater than 4 storeys the applicant should provide a height compliance report indicating how the proposal conforms to the relevant Building Height Performance Based Criteria "At District/Neighbourhood/Street level" as set out in Table 5.1 in Appendix 5.
- On sites abutting low density residential development (less than 35 units per hectare) and where the proposed development is four storeys or more, an obvious buffer must exist from the rear garden boundary lines of existing private dwellings.
- Where a proposal involves building heights of four storeys or more, a step back design should be considered so as to respect the existing built heights

6.1.5 Policy Objective PHP27: Housing Mix It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.

Section 12.3.3.1 Residential Size and Mix

The finding of the Housing Strategy and HNDA have informed policy PHP27 in relation to mix (refer to Appendix 2 Housing Strategy and HNDA 2022 – 2028).

In order to demonstrate compliance with Policy Objective PHP27 and based on the findings of the Housing Strategy and HNDA, planning applications received for 50+ residential units either individually or cumulatively with lands located within the neighbourhood (10-minute walk) will be required to incorporate a variety and choice of housing units by type and size so as to meet the differing household need in the County. Council Part 8 or Part 10 residential schemes, may propose a different mix having regard to the specific needs of the Council Housing Department

The proposed provision of residential units (both houses and apartments), shall provide a mix that reflects existing, and emerging household formation, housing demand patterns and housing demand patterns and trends identified locally and/ or within the County. New residential communities (as set out in the Core Strategy and Figure 2.9 of the Core Strategy Map) shall ensure an appropriate mix including a proportion of larger units. Applications received in both new residential communities and within the residual built up area shall include:

- Details of existing and permitted unit types within a 10-minute walk of the proposed development.
- A detailed breakdown of the proposed unit type and size including a percentage split between 1/2/3+ bed units which in the case of apartments (and duplexes) shall generally be in accordance with Table 12.1.

Table 12.1

Area	Threshold	Mix Studio/1/2 bed Requirement (Apartments and duplexes)	3+ bed Requirement (Apartments)
Existing Built-up area.	Schemes of 50+ units	Apartment Developments may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall	Minimum 20% 3+ bedroom units

		development as studios	
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6.1.6 Policy Objective PHP42: Building Design & Height

It is a Policy Objective to: Encourage high quality design of all new development. Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF).

Appendix 5

Building Heights Strategy

Policy Objective BHS 1 – Increased Height.

Policy Objective BHS2 – Building Height in areas covered by an approved Local Area Plan or Urban Framework Plan (UFP must form part of the County Plan).

Policy Objective BHS 3 – Building Height in Residual Suburban Areas.

The Dundrum Local Area Plan is now adopted but in building height refers back to Development policy and has no specific policies regarding building height in the context of the application site.

Appendix 5

Policy Objective BHS 3 Building Height in Residual Suburban Areas

It is a policy objective to promote general building height of 3 to 4 storeys, coupled with appropriate density in what are termed the residual suburban areas of the County provided that proposals ensure a balance between reasonable protection of existing amenity and the established character of the area.

Having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 there may be instances where an argument can be made for increased height and/or taller buildings in the residual suburban areas. Any such proposals must be assessed in accordance with the criteria set out in table 5.1 as

contained in Section 5. The onus will be on the applicant to demonstrate compliance with the criteria.

Within the built-up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height of the area.

Table 15.1 Criteria for assessing proposals for increased height.

At County Level

At District/Neighbourhood/Street Level

At site/building scale

County Specific Criteria

6.1.7 Car parking Table 12.5 Parking Zone 2

Apartments

One bed 1 space

Two bed 1 space

12.4.5.2 Application of Standards

In certain instances, in Zones 1 and 2 the Planning Authority may allow a deviation from the maximum or standard number of car parking spaces specified in Table 12.5 or may consider that no parking spaces are required. Small infill residential schemes (up to 0.25 hectares) or brownfield/refurbishment residential schemes in zones 1 and 2 along with some locations in zone 3 (in neighbourhood or district centres) may be likely to fulfil these criteria. In all instances, where a deviation from the maximum or standard specified in Table 12.5 is being proposed, the level of parking permitted

and the acceptability of proposals, will be decided at the discretion of the Planning Authority, having regard to criteria as set out below:

(i) Assessment Criteria for deviation from Car Parking Standards (set out in Table 12.5)

- Proximity to public transport services and level of service and interchange available.
- Walking and cycling accessibility/permeability and any improvement to same.
- The need to safeguard investment in sustainable transport and encourage a modal shift.
- Availability of car sharing and bike / e-bike sharing facilities.
- Existing availability of parking and its potential for dual use.
- Particular nature, scale and characteristics of the proposed development (as noted above deviations may be more appropriate for smaller infill proposals).
- The range of services available within the area.
- Impact on traffic safety and the amenities of the area.
- Capacity of the surrounding road network.
- Urban design, regeneration and civic benefits including street vibrancy.

6.1.8 Bicycle Parking Table 12.8

Apartments: 1 per bedroom (long) and 1 per 2 units (short)

Houses: 1 per unit (long) and 1 per 5 units (short)

Retail: 1 per 5 staff (long) and 1 per 100sqm (short)

Childcare: 1 per 5 staff (long) and 1 per 10 children (short)

6.1.9 Public Open Space Requirements for Residential Developments

Table 12.8

Residential Development in the existing built up area 15% of the site area.

It is acknowledged that in certain instances it may not be possible to provide the above standards of public open space. High density urban schemes and/or smaller urban infill schemes for example may provide adequate communal open space but no actual public open space. In these instances where the required percentage of public open space is not provided the Council will seek a development contribution under Section 48 of the Planning and Development Act 2000, as amended. The contribution in lieu to be paid for any shortfall in the quantum of public open space to be provided will be used for the provision of improved community and civic infrastructure and/or parks and open spaces, in the vicinity of the proposed development for use of the intended occupiers of same. On overall sites of less than 0.25 ha, the Council may also consider levying a contribution in lieu of public open space.

6.1.10 Section 12.8.7 Private Amenity Space – Quality Standards

12.8.7.1 Separation Distances:

Separation Distances A minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, for new developments.

In an exceptionally well-designed scheme providing an otherwise very high-quality living environment and that is in close proximity to existing public open spaces, the above standards may be relaxed.

Any relaxing of standards will be assessed on a case-by-case basis and should not be seen as setting a precedent for future development.

6.1.11 Section 12.3.5 Apartment Development

12.3.5.2 Separation Between Blocks

All proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces.

A minimum clearance distance of circa 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. In all instances where the minimum separation distances are not met, the applicant shall submit a daylight availability analysis for the proposed development.

Map Objective on site 'to protect and preserve trees and woodlands'.

Section 12.8.11

Decisions on preservation are made subject to full Arboricultural Assessment and having regard to other objectives of the Plan.

6.2. *Dundrum Local Area Plan 2023 (Came in to Effect 21/11/23)*

6.2.1 The application site is located within the boundary of the Dundrum Local Area Plan. The site is not located in any of the area designated as Key Development Areas within the plan boundary or subject to any urban/site development framework plans. In relation building height the Dundrum Local Area Plan refers to development Plan policy in this regard.

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

6.3.1 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

6.4 ***National Planning Framework***

6.4.1 Chapter 4 of the National Planning Framework (NPF) is entitled 'Making Stronger Urban Places' and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being'.
- National Planning Objective 11 provides that 'In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth'.
- National Planning Objective 13 provides that "In urban areas, planning and related standards, including, in particular, 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".

6.4.2 Chapter 6 of the NPF is entitled 'People, Homes and Communities' and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
- National Policy Objective 33 seeks to ‘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 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

6.5 ***Section 28 Ministerial Guidelines***

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023.
- Urban Development and Building Heights Guidelines, 2018
- Sustainable Residential Development and Compact Settlement Guidelines 2024
- Design Manual for Urban Roads and Streets, 2013

6.6 ***Applicants Statement of Consistency***

The applicant has submitted a Statement of Consistency (as part of the Planning Report) as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Dun Laoghaire Rathdown County Development Plan 2022-2028 (adopted at the time of lodgement of

the application) and other regional and national planning policies. This has been examined and noted.

6.7 *Material Contravention Statement*

6.7.1 The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Dun Laoghaire County Development Plan 2016-2022 and deals with the potential issue of material contravention of the Dun Laoghaire Rathdown County Development Plan 2022-2028 (adopted on the 10th of March and coming into force on the 21st April 2022, application was lodged before adoption on the 07th March 2022) in relation to building height. The statement is summarised below: -

6.7.2 Unit Mix

Percentage of studio and one-bed units exceeds levels specified in the 2016 County Development Plan for scheme over 30 units (20%) and does not comply with 2022 Development Plan requirement for 20% three-bed units within schemes over 50 units. The applicant points out that the unit mix is compliant with unit mix under SPPR 1 of the Apartment Guidelines.

Separation distances between blocks

Both the 2016 Development Plan and 2022 Development Plan requires a minimum separation distance of 22m between opposing windows in the cases of apartments up to three-storeys. The level of separation between blocks in some instances is below the 22m but are consistent with advice in Para 2.23 of the Apartment Guidelines and daylight/sunlight performance demonstrates no material consequence from a slight deviation from the 22m standard.

Car Parking

Car parking provision of 39 spaces is below that specified under the 2016 Development Plan (140spaces) and the 2022 Development Plan (111) spaces. The applicant refers to the fact the 2022 plan allows for reduced parking levels based on

location in terms of accessibility and that the site would constitute a Central/or Accessible Location under the Apartment Guidelines.

Public/Communal Open space

The 2016 Development Plan requires a rate of public open space of 15 to 20sqm open space per person with provision for lower quantity in case of exceptional quality open space provision and possible subject to a financial condition with a default minimum of 10% of site area. The provision of specified standards would leave development of the site unviable. The applicant refers to the Sustainable Residential Development in Urban Areas guidelines and the fact it adopts a flexible approach in quantitative standards with a relaxation in standards based on location, proximity to public parks and provision of financial contributions in lieu. The applicant refers to Table 5.3 of the Planning Report and Statement of Consistency and the fact the proposal would be consistent with the 2022 Development Plan policy on public open space is consistent with national guidance.

Private Amenity Space

It is noted that some of the units do not meet private open space standards set out under the 2016 development Plan (6sqm for one bed units and 8sqm for two bed units). It is noted that all units do meet the standards under the Apartment Guidelines and that the 2022 Development Plan reflects these standards. It is also pointed out that communal open space standards exceed the recommended standards of the Apartment Guidelines by a significant amount.

Residential Density

The 2016 Development Plan specifies that densities should be in the region of 35-50 units per hectare whereas the 2022 Development Plan refer to Government Guidelines under documents such as Sustainable residential Development in Urban Areas and Sustainable Urban Housing: Design Standards for New Apartments, which seek to optimise density in response to location and accessibility factors. The provision of a density of 140 units per hectares would be in accordance with Development Plan policy (2022) and National Policy Objectives under the NPF.

Building Height

The building height proposed could be interpreted to be contrary Development Plan Building Height Strategy (BHS) with 3-4 storey height maximum permissible. The BHS does allow for upward and downward modifiers by one or possibly two floors. The applicant notes a number of precedent decisions for other SHD developments above the 3-4 storey range. The applicant states that the proposal would meet the requirements of SPPR 3 of the Urban Development and Building Heights guidelines. And that the proposal would comply with the criteria under Section 3.2 of these guidelines. It is specified that the provisions of Section 37(2)(b)(iii) of the 2000 Planning Act applies.

Tree Retention

Both the 2016 and 2022 Development Plans have a map objective on the eastern boundary of the site 'to protect and preserve trees and woodlands'. The 2022 Development Plan encourages retention and protection of existing trees but acknowledges that objectives does not require all trees to be retained. The applicant notes that all trees along the eastern boundaries to be retained and that the majority of trees on site are to be retained and that a comprehensive landscaping scheme is provided for replacement trees and planting.

External Storage

The 2022 Development Plan requires provision of external storage of 4m³ for one bed units and 6-8m³ for two bed apartments. The units all provide for internal storage in accordance with the Apartment Guidelines and a shared storage room in Block B. The requirement is considered onerous. The applicant notes that it is not recommended as mandatory requirement for external storage but is encouraged. It is argued that the provision of external storage in this regard would impact delivery of other qualitative aspects of the scheme with reference to factors such as cycle parking.

Conclusion: The applicant states that the Board can consider granting permission for the proposed development under the provisions of Section 10(3) of the 2016 Act in contravention of the Dun Laoghaire Rathdown County Development Plan for the reasons outlined and pursuant Section 37(2)(b) of the 2000 Planning Act.

7.0 Third Party Submissions

7.1 Third party submission have been received from the following...

An Taisce

Carol Dalton

Derek Byrne

Mary Forrest

Dympna Murray

Helen Holland

Mark Jones

Sina Collier, Hillary Roche, Karolina LeDuff & Others (Residents of Sommerville, Larchfield and Rosemount Estate)

Vincent & Karolina LeDuff

Edith Andrees & Ian McFadden (Residents of Frankfort Court)

Carol Power

Alicia Bolocco

Edmund Morris

Mogan Costello

Frances O'Halloran

John Conway and Louth Environmental Group

Hilary Roche

The issues raised in the submissions can be summarised as follows...

- Premature pending preparation and adoption of Dundrum Local Area Plan.

- Excessive density in the context of Development plan policy (2016-2022).
- Excessive height and scale with visually obtrusive and dominant impact in the area. Development significantly out of character and scale with existing development on adjoining sites. Inaccurate representation of adverse visual impact of the proposal from adjoining residential development.
- Non-compliance with Urban Development and Building Height Guidelines in terms of Development Management Criteria with emphasis on public transport capacity, context of the site in terms of adjoining development and its impact with the proposal considered overdevelopment and contrary SPPR3.
- Failure of the development to meet the 12 criteria for evaluating urban design under the Urban Design Manual 2009.
- Lack of public open space to serve the proposed development. Inadequate separation distances between the two blocks on site. Questions regarding the quality of overall design in terms of future residential amenity
- Lack of public notices on Rosemount side of development.
- Adverse impact on residential amenity of adjoining properties (Sommerville, Larchfield and Rosemount), due to overlooking, overshadowing/loss of light, increased light pollution, noise pollution and reduced security for existing properties. Contrary Objective A zoning.
- Inappropriate unit mix in the context of Development Plan policy in terms of percentage of one bed and 3 bed units. Material contravention in terms of no. of dual aspect units.
- Adverse traffic impact with existing congestion issues along Dundrum Road and cumulative impact of additional traffic generated with other proposed and permitted developments.
- Material contravention of density, unit mix and building height requirements of the Development Plan/Local Area Plan.
- EIAR is inadequate and deficient to assess potential environmental impacts of the proposal. The EIA screening is inadequate and a full EIAR is required. The Board is not considered to be competent authority to assess these elements.
- Insufficient parking provision on site and well below Development Plan requirements.

- Inadequate visibility at the existing entrance and concerns regarding impact of additional traffic movements on the local road network. Inadequate provision of cyclists and narrow footpaths in the existing local road network with traffic safety issues for pedestrian and cyclists due to increased traffic.
- The site and surrounding area have protected trees, vegetation that provide habitat for wildlife which will be disturbed and displaced by the proposed development.
- Concern regarding removal of trees and boundary vegetation in terms of impact of screening and its value as a wildlife corridor. Concern regarding feasibility retaining trees earmarked for retention due to the nature, scale and footprint of the development.
- Inadequate infrastructure in the area in terms of road, public transport, green spaces, sports facilities, and schools with the proposal putting additional pressure on existing social infrastructure.
- Inadequate noise impact report with a of detail and specification regarding noise monitoring equipment used.
- Lack of reference in public notices to the new Development Plan.
- Redline boundary shown encroaching on rear gardens of adjoining properties.
- The submission questions the future tenure type of the development with concerns regarding build to rent over long term residents.
- Concerns regarding the impact of telecommunication antennae in a residential area.
- Concern regarding engagement with local community and the location of public notices with a lack of public notice at the Rosemount Estate.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 04th of May 2022. The report includes a summary of the pre-planning history, site location and description, relevant

planning history, third-party submissions and prescribed bodies, the proposed development, internal reports and policy context.

The views of the elected members presented at the Dundrum Area Committee Meeting held on 28th March 2022 are summarised as follows: Material contravention of Development Plan in terms of units mix, lack of public open space, inadequate separation distances, lack of transport capacity in the area, safety issues regarding the Luas, premature pending adoption of Dundrum LAP, inadequate private open space, infill development will reduce urban sprawl.

- 8.2. The key planning considerations of the Chief Executive's report are summarised below.

Principle of Development and Compliance with CDP 2022

Principle of development compatible with the land use zoning.

Density

Density (quantitative element only) consistent with s.28 guidelines and Development Plan. Density considerably higher than adjoining residential development with consideration whether the proposal has a detrimental impact on residential amenity required as outlined under Policy Objective PHP18 of the CDP (22-28).

Residential Amenity

The proposal was considered to be generally acceptable in regards to impact on residential amenity however some amendments are required including additional screening to be subject to condition for the roof garden on Block B to prevent impact on dwelling in Larchfield. No concerns are raised regarding impact of noise during the operational phase with construction phase being temporary. The impact on sunlight and daylight to existing properties is considered acceptable.

Building Height

The site is a residual suburban location as set down Under Building Height Strategy of the CDP and proposal for over 3-4 storeys in this area may be acceptable subject to compliance with the criteria under Table 5.1 of the CDP which are consistent with the criteria under Section 3.2 of the Urban Development and Building Heights Guidelines. The development is considered to meet the criteria under Table 5.1.

Standard of Accommodation

Unit mix does not comply with Policy Objective PHP27 of the CDP and that if the Board is minded to grant permission a condition requiring a revised unit mix should be applied. Unit size, dimensions, proportion of dual aspect and internal storage all meet CDP standards and Apartment Guidelines with a condition recommend reducing size of storage in 2 bed (4 person) units to the minimum level. External storage is required for apartment units and should be subject to condition. Private open space provision is in line with Apartment Guidelines.

Public and Communal Open Space

CDP requirement for 15% of site area for public open space but does allow for Development Contribution in lieu. There is a lack of public open space with the applicant indicating agreement to a Development Contribution and such should be applied in the event of a grant of permission. Provision of communal open space considered sufficient in the context of CDP standards and the Apartment Guidelines and acceptable in terms of quality.

Impact on Existing Vegetation

Level of tree retention on site is considered acceptable with proposals for planting of new trees and landscaping noted.

Access, Car and Bicycle Parking

Car Parking level is 1/3 of the maximum level under CDP standards, which allows for reduced level subject to context. The level of parking provided is considered inadequate with a recommendation for a condition requiring an increased provision of

parking to a ratio of 0.7 space per unit with the Board referred to the Transportation Section report. Level of Cycle Parking is in line with DLR standards however the Transportation Section raise issues regarding quality, location and accessibility of such.

Telecommunications Infrastructure

The proposal for telecommunication infrastructure was considered acceptable on the basis of maintaining existing coverage and pre-existing telecommunication infrastructure on site.

Surface Water Drainage and Flood Risk

Refers to Drainage Section report.

Part V

Applicants Part V proposal are noted and subject to agreement.

Childcare

The development in terms of units mix is below the threshold (57 two bed units) for requirement for a childcare facility.

Construction and Waste Management

The submission of a Construction Management Plan, Construction and Demolition Waste Management plan and an Operational Waste Management Plan is noted.

Building Lifecycle Report

The submission of a Building Lifecycle Report is noted and complies with the requirements of the Apartment Guidelines. Details of management company to be agreed in the event of a grant of permission.

Archaeology

The submission of an Archaeological Assessment is noted.

Ecological Impacts

The findings of the Ecological Impact Assessment are noted and a condition requiring implementation of mitigation measures identified in such should be applied in the event of a grant of permission.

Public Lighting

The Board is referred to the report from the Public Lighting Section report.

Development Contributions

A Section 48(c) contribution should be applied in lieu of shortfall of public open space.

Taking in Charge

The taking in charge drawing submitted with the application is noted. It is noted an area of the site corresponds with an area already under Council charge and can be addressed by way of condition.

Appropriate Assessment/Environmental Impact Assessment

The submission of Appropriate Assessment and Environmental Impact Assessment Screening Reports is acknowledged with the Board being competent authority in this regard.

Conclusion

Having regard to the zoning of the site as Objective A under the Development Plan 2022, to the national and regional guidance in relation to urban consolidation and the fact it is considered the proposal would not have an adverse impact on the residential

amenities of adjoining properties, it is recommended that the development be granted subject to conditions. The relevant conditions are noted below:

2. Revised plans providing for...

Solid screen up to 1.6m height on south edge of roof terrace, Block B. Amended unit mix including provision of 20% 3 bed + apartments, no individual storage rooms with apartment exceeding 3.5sqm, provision of external storage areas, increased car parking to a minimum ratio of 0.7 spaces per unit (increased basement area, provision of disabled car parking spaces at each apartment block.

10. Reduce proposed discharge rate from 3.17l/s to 2.7l/s with revised design.

11. Submission for agreement of alternative surface water layout removing attenuation systems from undercroft/basement.

13. Submission for agreement of alternative surface water layout using rainwater harvesting instead of water butts.

14. Submission for agreement of green roof proposal with a minimum coverage level specified.

24. Submission for agreement revised cycle parking provision relocating basement parking to a more accessible location, provision of adequate covered long stay parking in Block B, provision of 50% of long stay parking as Sheffield standards and a segregated access for cyclists to the underground car park.

40. Section 48(2)(c) Development Contribution of €2,000 per unit in lieu of lack of provision of public open space.

8.3 Dun Laoghaire Rathdown Council Reports

Internal Departmental Reports

Drainage Planning – Incorrect discharge rates calculated with surface water system undersized, location of attenuation in an undercroft/basement area inappropriate for future maintenance, proposal for water butts instead of central rainwater harvesting not inappropriate, green roof proposal not in accordance with DLR policy. Site-Specific Flood Risk Assessment does not use latest information available or address low points on site and how they will be managed. A number of conditions are recommended that require revisions and agreement with the Council in the event of a grant of permission.

Housing Department – A part V condition requiring the applicant to enter into an agreement with the Council is required.

EHO – Further information required including a baseline noise survey and the impact of demolition and construction on the receiving environment should be predicted with mitigation measure proposed.

Transportation report – Car parking level unacceptable and should be increased, long stay cycle parking should be provided at Block B, provision of long stay resident parking as Sheffield stands, long stay cycle parking not in accordance with DLR's cycle parking standards, lack of segregated access for cyclists to underground car ark, there should be provision of 50% of short stay cycle parking as covered spaces. Conditions recommended to address these issues in the event of a grant of permission.

Public Light report – Lighting design generally acceptable apart from bollard lighting not recommended on health and safety grounds and light 17C needs to be removed away from the existing trees.

Parks Report – Questions on long term viability of trees earmarked for retention with the root protection of these trees likely to be impacted by the development. Insufficient level of public open space for future residents and level of public/communal open space does not meet minimum requirements.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant was required to notify prior to making the SHD application was issued with the Section 6 (7) Opinion and included the following: -

- Uisce Eireann

9.2. The following submission were received:

Uisce Eireann

In respect of water connections and wastewater connections:

- Any solution to service this proposal is likely to include storm water reduction measures and local upgrades to the water and wastewater network and subject to a connection agreement with Irish Water.

Diversions: The proposal includes diversion of a section of existing public 225mm uPVC. The applicant was requested to engage with Uisce Eireann to assess feasibility of such ahead of the SHD application and the requirement of a survey to determine exact location of any pipes and trial investigation that may need to be carried out. Uisce Eireann have no record of any engagement.

Design Acceptance: The applicant has been issued a Statement of Design Acceptance for the proposed development within the redline boundary but does not include any diversion feasibility assessment.

Uisce Eireann makes the following planning recommendations:

1. Applicant shall sign a connection agreement prior to any works commencing and connection to Uisce Eireann network.

2. The applicant shall survey to the site to determine the exact location of any pipes and trail investigations that may be needed to carry out.
3. The applicant shall apply to Uisce Water for, and confirm, diversion feasibility, prior to any works commencing.
4. The applicant shall achieve separation distances as per Uisce Éireann Standards Codes and Practices.
5. All development shall be carried out in compliance with Uisce Eireann Standards.

10.0 Assessment

- 10.1 The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:
- 10.2 In addition, the assessment considers, and addresses issues raised by any observations on file, under relevant headings. I have visited the site and its environs.

The assessment of the submitted development is therefore arranged as follows:

- Zoning/Principle of Development
- Density
- Unit Mix/Type
- Design and Layout

- Building Height
- Visual Impact
- Urban Design
- Residential Amenities-Future Occupants
- Residential Amenities-Adjoining Properties
- Traffic and Transportation
- Drainage Infrastructure /Flooding
- Ecological Impact
- Telecommunications Infrastructure
- Other Issues
- Material Contravention

10.3 Zoning/ Principle of Development

10.3.1 The application site is located on lands zoned as 'Objective A' under the Dun Laoghaire Rathdown Development Plan 2022-2028, where it is an objective "to protect and/or improve residential amenity". The development consists of residential use which is identified as being a permitted in principle use within the zoning under Table 13.1.2 of the County Development Plan.

10.3.2 The third-party observations highlight that the proposal is premature pending adoption of the Dundrum Local Area Plan. The Dundrum Local Area Plan 2023 has been completed and adopted. The site is located within the boundary of such however there are no specific objectives relating to the site and such is not located in an area subject to a framework plan. In regards to building height the LAP defers to building height policy under the County Development Plan and I refer to the issue of building height in a later section of this assessment (Section 10.6).

10.3.3 CE Report Comment: The CE report outlines the zoning of the site and the fact that the principle of the proposed development is acceptable in this context.

10.3.4 Conclusions on principle of development: The proposed use, which is residential in nature is acceptable in the context of the zoning of the site as 'Objective A' under the Dun Laoghaire Development Plan 2022-2028. In addition, the proposal replaces an existing commercial use with a use more in keeping with the zoning objective and immediately adjoining uses. The principle of the proposed development is acceptable.

10.4 Density

10.4.1 The site has a gross site area of 0.79 hectares. The proposal is for 111 residential units giving a density of 141 units per hectare. The County Development Plan does support increased densities under Policy Objective PHP18 and requires regard to the protection of the residential amenities of existing residential development in built up areas adjoining new development. CDP policy identifies 35 units per hectare as a default minimum density on zoned lands (Objective A). Section 12.3.3.2 of the CDP states that density should be determined with reference to the Sustainable Residential Development in Urban Areas Guidelines and the Apartment Guidelines. In the context of the Apartment Guidelines the site is a 'Central and/or Accessible Urban Location with such areas identified as being suitable for small-to-large scale and higher density development and due to being in reasonable walking distance (up to 10 minutes or 800-100m) to/from high capacity urban transport stops (such as Dart or LUAS). The site is 600m/8 minute walking distance from Dundrum Luas stop (green line). The site is also 1.1km/14 minutes walking distance of Dundrum Town Centre. In the context of the Sustainable Residential Development and Compact Settlements guidelines (have superseded the Sustainable Residential in Urban Areas guideline) the site is located in a City - Suburban/Urban Extension in which densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8). The third-party observations raise concerns regarding the density of the development in the context of existing development of adjoining sites.

10.4.2 CE Report Comment: The CE report identifies that the Density (quantitative element only) is consistent with s.28 guidelines and Development Plan. It is stated that

density is considerably higher than adjoining residential development with consideration required whether the proposal has a detrimental impact on residential amenity required as outlined under Policy Objective PHP18 of the Development Plan.

10.4.3 Conclusion on Density: The site is located in an area with a suburban character adjoined by existing lower density residential development consisting of two-storey detached, semi-detached and terraced dwellings. The site is a highly accessible location and is in walking distance of high frequency high-capacity public transport (Luas Green line) and Dundrum town centre. Based on the relevant national guidelines, which are referenced by the Development Plan in determining density policies and the site context, the density level proposed is acceptable and is in keeping with national policy guidance and local policy and there is no reason to recommend refusal in regards to the density proposed. I would note that the issue of impact on residential amenity will be assessed and dealt with in later sections of this report.

10.5 Unit Mix/Type

10.5.1 The units mix as described is 111 units consisting of 3 no. studio units, 51 no. one bed units and 57 no. two bed units (11 no. three person and 46 no. four person). It is relevant to state that SPPR 1 of the Apartment Guidelines looks for a greater mix of units particularly studio, one and two bed units; and that specified mixes in statutory plans should only follow a Housing Need and Demand Assessment (HNDA). SPPR 1 does allow for up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. A HNDA has been prepared by the planning authority, Housing Delivery Assessment 2022-2026 and such informs Development Plan Policy. Policy Objective PHP27 in relation to Housing Mix state that is "Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment

(HNDA) and any future Regional HNDA”. Section 12.3.3.1 of the CDP relates to residential Size and Mix and Table 12.1 specifies apartment mix requirements for different locations including the existing built-up area. For schemes of 50+ in the existing built-up area the mix of apartments “may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios”. A minimum of 20% of 3+ bed units shall be provided.

10.5.2 The applicant argues that the proposal is consistent with SPPR 1. I would however note that SPPR 1 does state that specified apartment mixes in statutory plans should only follow a HDNA. In this case development plan policy is clear in terms of unit mix, it is based on a HDNA and provides for a clear requirement for a minimum of 20% of 3+ bed units within the existing built-up area in which the site is located.

10.5.3 CE Report Comment: In the CE report the Planning Authority have stated that the unit mix is contrary Policy Objective PHP27 which requires a minimum of 20% 3+ bed units. The CE report recommends that a condition could be applied reconfiguring units to provide for 2 bed + units in the event of grant of permission.

10.5.4 Conclusion: The proposed unit mix does provide for a variety of units with the proposal including studio, 1 and 2 bed apartment units. This level of variation is in keeping with national policy objectives under the NPF, Housing for All and the Apartment Guidelines (SPPR 1). The lack of provision of 3 bed apartment units is contrary development plan policy under Policy Objective PHP27 and the apartment mix specified under Table 12.1, which have been informed by the HDNA prepared. I would acknowledge that the applicant has attempted to justify unit mix in the context of being broadly compliant with national policy with reference to the Apartment Guidelines. Notwithstanding such the Dun Laoghaire Rathdown County Development Plan is a recently adopted Development plan, which has regard to national policy in the form of the NPF, Housing for All and the Apartment Guidelines. Development Plan policy on unit mix is clearly outlined under Objective PHP27 and Table 12.1 of the Development Plan, is based on a Housing Need and Demand

Assessment (HNDA) and such is in accordance with SPPR 1 of the apartment guidelines. I do not consider that there is sufficient justification to set aside development plan policy on unit mix and would note that the proposal is a material contravention of development plan policy. I refer to this aspect of the proposal further under the section regarding material contravention later in this report. The suggestion of a condition to deal with this issue is noted, however such would be imprecise, and I do not consider it is an appropriate method of dealing with this issue. A fresh design approach to achieve the required unit mix is the appropriate manner to deal with such.

10.6 Building height

10.6.1 The proposal entails the provision of 2 no. apartment blocks, Block A six-storeys and Block B three-storeys. Development Plan policy (Objective PHP42) specifies that new developments comply with the Building Height Strategy under Appendix 5 of the Development Plan. This strategy is dictated by three Policy Objectives (BHS1, BHS2 and BHS3). The site is within an area dictated by BHS3 relating to building height in 'Residual Suburban Areas' under which the policy objective is to promote general building height of 3 to 4 storeys, however higher building height can be facilitated in such area subject to compliance with the criteria under Table 5.1 of the Building Height Strategy, which are informed by the Development Management Criteria under section 3.2 of the Urban Development and Building heights Guidelines (2018) apart from assessing building height based on County Level rather than City/Town and having County Specific Criteria. The applicants' statement of consistency includes an outline of how the proposal complies with the Development Management Criteria under Section 3.2 of the Building Height Guidelines which sets out criteria for assessing the scale of the development with regard to the city, street and site level.

10.6.2 Section 3.2 of the Building Heights Guidelines states that the applicant shall demonstrate to the satisfaction of the Planning Authority or An Bord Pleanála that

the proposed development satisfies criteria at the scale of the relevant city or town, at the scale of district/neighbourhood/street and at the scale of site or building, in addition to specific assessments.

10.6.3 The third-party observations raise concerns that the height proposed is excessive at this location with one of the submissions stating that the proposal does not the comply the criteria set out under Table 15.1. I have carried out an assessment of the development in the context of the criteria under Table 15.1 of the CDP and Section 3.2 of the Urban Development and Building Height guidelines. The scale of the proposed development in in the case of Block B is 2-3 storeys and the majority of the footprint of Block A is 3-4 in keeping with the general building height identified for Residual Urban Areas. The most western portion of Block features a 6-storey element where it adjoins the Dundrum Road and requires an assessment of the proposal in terms of the criteria set down under Table 15.1 of the Development Plan.

10.6.4 At County Level: The proposal would secure the objectives of the NPF encouraging compact growth. The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport with the site within walking distance of the Dundrum Green Line Luas stop as well as with walking distance of Dundrum Town Centre which is served by a number of bus routes (14, 44, 44B, 74 and L25). The development would enhance the public realm of the area providing for frontage development along Dundrum Road with public realm upgrades. The proposal does not impact any protected views or prospects in the area. The infrastructural capacity of the area would be sufficient to cater for the proposal.

10.6.5 At District/Neighbourhood/Street Level: The proposal is satisfactory in terms of responding to the natural and built environment and would contribute to the neighbourhood streetscape, is sufficiently varied in scale to not appear monolithic,

uses high quality materials, makes a positive contribution to legibility along the Dundrum Road and improves the public realm, positively contributes to the mix of development type and unit type in the area.

10.6.6 At Site/Building Scale: The proposed design provides a satisfactory development in context of daylight and sunlight access as well as minimising overshadowing (explored in more detail in later sections of the report). The proposal is satisfactory in the context of adjoining residential amenity in relation to overlooking and overshadowing (elaborated in later section of this assessment). The site is not located within an Architectural Conservation Area and has no impact on any structures of architectural conservation value. The development is designed with energy efficiency in mind with an Energy Report accompanying the application to demonstrate compliance with Policy Objective CC7, Energy Performance in New Buildings under the CDP.

10.6.7 County Specific Criteria: The requirement for specific assessment of a number of factors have been satisfied and in this case a number of specific assessments have been undertaken and submitted with this application, specifically in relation to sunlight/daylight, and noise impact. A Screening Report for AA and a screening for Environmental Impact Assessment have been submitted. I am satisfied that adequate information has been submitted and is available to enable me to undertake a comprehensive assessment of the impact of the proposed development.

10.6.8 CE Report Comment: The CE report comment states that the site is a residual suburban location as set down Under Building Height Strategy of the CDP and proposal for over 3-4 storeys in this area may be acceptable subject to compliance with the criteria under Table 15.1 of the CDP which are consistent with the criteria under Section 3.2 of the Urban Development and Building Heights Guidelines. The development was considered to meet the criteria under Table 15.1.

10.6.9 Conclusion: Overall, I am satisfied that the proposed development would make a positive contribution to the area and would respond well to the natural and built environment in visual terms. At the scale of the neighbourhood there would be capacity to absorb buildings at the height proposed. I am also satisfied that the scale of the site and its context as part of the immediate area, would readily allow for development at the heights proposed. The building heights proposed would be in accordance with national policy and guidance to support compact consolidated growth within the footprint of existing urban areas and would satisfy the criteria set down under Section 3.2 of the Urban Development and Building Heights guidelines and the criteria under Table 15.1 (Appendix 5) of the Development Plan. Having regard to such the proposed development would be in compliance with the policies and objectives in relation to building height set down under the Dun Laoghaire Rathdown Development Plan 2022-2028.

10.7 Visual Impact

10.7.1 The application is accompanied by a Landscape and Visual Impact Appraisal for the proposal. This document includes assessment of visual impact from a number of viewpoints in the surrounding area and there is a separate booklet of photomontages illustrating visual impact pre and post development for each viewpoint. The assessment outlines the sensitivity of each viewpoint, the degree of change, the importance and quality of impact for short, medium and long term. The assessment indicates the development will have a mostly neutral impact from viewpoints in the immediate vicinity and negligible impact from the wider area due to the built-up nature of the area. The assessment classifies impact as beneficial in terms of views along Dundrum Road with the only adverse impact assessed as being view south from Sommerville. Third party observations consider the proposal to be out of character and scale with existing adjoining development and to have an adverse visual impact at this location and when viewed from surrounding residential properties.

10.7.2 I would be of the view that the overall visual impact of the development in the wider area despite the height of the proposed development would not be significant or

negative and that its location in the established built-up area will mean views are intermittent and partial with a significant level of intervening structures and vegetation. In the immediately intervening area, the visual impact of the proposal will be significant due to the change in scale from a two-storey structure on site to a six-storey structure. Notwithstanding such I am of the view that although the visual impact in particular along Dundrum Road is significant it would not be a negative visual impact. The nature of development along Dundrum Road is varied with a mix of two-storey residential, up to three-storey commercial development and a five-storey apartment block. The proposal provides for a stronger urban edge along Dundrum Road as well as improved public realm along the existing road.

10.7.3 The visual impact of the remainder of Block A and Block B would not be significant in the surrounding area due to the reduced height and scale relative to the six-storey portion of Block A. The scale of development where it adjoins existing residential development to the north, south and east is reduced and would not be significantly excessive with adequate levels of separation, boundary treatment and landscaping so as to render any visual impact acceptable. I am satisfied that the design features external finishes of good quality and variety and will have a positive visual impact at this location.

10.7.4 CE Report Comment: The CE report raise no concerns regarding the overall visual impact of the development at this location.

10.7.5 Conclusion: I am satisfied that the overall visual impact of the development although entailing significant change in scale from the existing structure on site and an increased scale over existing structures in the immediate vicinity can adequately be absorbed at this location and would be acceptable in the context of the visual amenities of the area.

10.8 Urban Design

10.8.1 The applicant has submitted an Urban Design report that outlines the characteristics of the development in the context of the 12 criteria set out under the Urban Design Manual (Connections, Inclusivity, Variety, Efficiency, Distinctiveness, Layout, Public Realm, Adaptability, Privacy and Amenity, Parking and Detail Design). I would note that the some third submissions question evaluation of the development in context of these criteria.

10.8.2 The Urban Design Manual has been superseded due to replacement of the Sustainable Residential Development in Urban Area Guidelines (2009) with the Compact Settlement Guidelines (2024). Notwithstanding such I am satisfied that the development provides an acceptable quality in terms of urban design, providing a development that would have positive visual impact in regards to Dundrum Road, enhanced public realm and linkages with Dundrum Road, provides for a development of sufficient internal quality in term of communal and private open space, orientation, daylight and sunlight provision, consideration of adjoining amenity and integration of car parking and cycle parking. I would refer of other section of this report that deal with some of these aspects in more detail.

10.8.3 CE report Comment: The CE report considers the proposal to be satisfactory in the context of urban design and overall.

10.8.4 Conclusion: The proposed development is of sufficient quality in terms of urban design.

10.9 Residential Amenities-Future Occupants

10.9.1 Quality of Units – Floor Area: A ‘Housing Quality Assessment’ has been submitted with the application and this provides a detailed breakdown of each of the proposed dwellings and apartment units. For assessment purposes the units are assessed against the standards set out under Sustainable Urban Design Standards for New Apartments (Department of the Environment, Heritage and Local Government,

2023). In the case of all units such meet the recommended standards in relation to gross floor area, room dimensions and storage provision.

10.9.2 In case of apartment units, all units exceed the minimum required floor areas, with 56 units (51%) providing for over 110% of the required minimum floor area. The proposed apartments are considered to be acceptable and demonstrate compliance with SPPR 3 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

10.9.3 In the case of the apartment units 51% (57) are dual aspect units and in compliance with SPPR 4 of the apartment guidelines for development in central or accessible locations (33% requirement). The proposed floor to ceiling heights are in accordance with SPPR 5 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'. The provision of lifts per floor is in compliance with SPPR 6 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

10.9.4 Development Plan policy (Section 12.3.5.3) states that apartment schemes should provide external storage for bulky items outside individual units (i.e. at ground or basement level), in addition to the minimum apartment storage requirements. In this case the apartment provides above the minimum level internal storage and a communal storage room in Block B. I would consider the requirement for external storage is not an explicit requirement and that the level of storage provided to serve each unit is consistent with the Apartment Guidelines.

10.9.5 CE Report Comment Section: The CE Report raise no concerns regarding residential amenity for future occupants with only issue taken with the size of internal storage, which exceeds the recommended standards and a recommendation that such be reduced by way of condition to minimum recommended level. There is also a recommendation that external storage is provided.

10.9.6. Conclusion on Quality of Units: The internal layout of these units is acceptable and complies with recommended requirements. There is no reason to recommend a refusal of permission to the Board in terms of internal floor area quality or storage levels proposed.

10.9.7 Quality of Units – Amenity Space: All units are provided with adequate private amenity space in the form of balconies for the upper floor units/ terraced areas for the ground floor units. Access is from the living room/shared kitchen-living room area for all units. All balconies have at least 1.5 m depth.

10.9.8 The applicant has proposed a stated total of 1,923sqm of public open space, which is located in a mixture of ground/podium level courtyard spaces within each block/between the blocks and a roof space (one on each block). Based on the standards outlined under the Apartment Guidelines (Development Plan standards are derived from these guidelines) the entire development (all units) has a requirement of 721sqm of communal open space with in excess of the recommended standard provided.

10.9.9 The development does not include any public open space with the Development Plan requirement being 15% of the site area for the existing built-up area (Table 12.8). Development plan policy does acknowledge there are circumstances where public open space provision is not possible and a contribution in lieu would be considered (outlined under planning policy section). In this case the site is an infill site with an area of 0.79 hectares and the provision of 15% of the site area is unrealistic and would compromise the efficient development of the site. I would be of the view that the application of a development contribution in lieu of public open space would be appropriate and in accordance with development plan policy. I would also refer to the fact that the level of communal open space provided on site is well in excess of the standard set down under the Apartment Guidelines.

10.9.10 CE Report Comment: The CE Report raises no concerns regarding level of public, private or communal open space and considers that the application of a development contribution in lieu of public open space provision is satisfactory.

10.9.11 Conclusion Quality of Units-Amenity Space: The level of provision of private and communal open space exceeds the minimum standards set out under Development Plan policy and the Apartment Guidelines. I would be of the view the provision of public open space at a rate of 15% of the site area would be unrealistic and compromise the efficient development of the site and that a development contribution in lieu of public open space is appropriate and in accordance with Development Plan policy.

10.9.12 Daylight and Sunlight: A 'Daylight, Sunlight and Overshadowing Analysis' has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE (2011) (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.
- BS EN 17307:2018 – Daylight in Buildings – British Standard
- IS EN 17037: 2018 – Irish Standard

Development Plan policy indicates that internal unit quality shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011) and/or any updated, or subsequent guidance, with daylight analysis required for schemes with 50 plus units. The submitted assessment undertook a number of tests and in relation to daylight and sunlight provision within the proposed development.

10.9.13 Site Sunlight and Shading: An assessment of Annual Probable Sunlight Hours (APSH) for the proposed units has been carried. The BRE standard is for interiors where the occupants expect sunlight should receive at least one quarter (25%) of

APSH including in the winter months between 21st September and 21st March at least 5% of APSH. This standard only applies to units within 90 degrees of due south. The results for the proposed development show the majority of living spaces meet the target values with a small number of units (9) that do not meet target values (25% standard with all units meeting winter target of 5%). The assessment note these windows are impacted by being recessed or underneath balconies and that 7 of the 9 windows meet target values for ADF (daylight).

10.9.14 Development Plan policy on communal open space indicates that such should meet the standards recommended under the BRE 209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', (2011). An assessment of sunlight within the proposed communal open space areas (2 no. courtyard areas within Block A and B, the amenity space between the two blocks and 2 no. roof spaces, one on each block) within each of Block 1 and 2) indicate that all communal open space areas within the scheme meet the BRE requirement that a minimum of 50% the amenity space shall receive two or more hours of sunlight on the 21st of March.

10.9.15 Daylight Analysis: The Daylight, Sunlight and Overshadowing Analysis report assesses the proposed units in terms of both Average Daylight factor (ADF) based on BS 8206-2:2008. In relation to ADF 100% of bedrooms tested meet the target value of 1%. All units have a shared kitchen/living space with 90.99% of the shared kitchen/living spaces meet the target value of 2%. 10 of shared kitchen living space are below 2% with all above 1.5% (2 at LGF Block A, 3 each at GF in Blocks A and B and 1 each at first floor level of Blocks A and B).

10.9.16 The report includes a section detailing compensatory factors and refers to internal light design, provision of balconies benefiting from good levels of sunlight, access high level of sunlight amenity in terms of outdoor recreation spaces, reliance on passive solar heating offset by energy efficient building and provision of high quality internal finishes and external landscaping.

- 10.9.17 CE Report Comment: The CE report raise no objection to the proposed development and acknowledges the results of the submitted Daylight, Sunlight and Overshadowing Analysis.
- 10.9.18 Conclusion on Daylight and Sunlight: The proposed development provides for sufficient levels of daylight and sunlight to the proposed residential units and associated communal open space areas and will result in an acceptable level of residential amenity for future occupants of this development.
- 10.9.19 Separation Distances: Development Plan policy (Section 12.3.5.2) specifies that a minimum clearance distance of circa 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height. It is stated under this section that in certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. In all instances where the minimum separation distances are not met, the applicant shall submit a daylight availability analysis for the proposed development. Some of the third-party observations question the quality of the development in relation to internal separation distances.
- 10.9.20 There are instances where the level of separation between parts of the same block and different blocks falls below the 22m. I would however note that in such cases that a number of mechanism are employed to prevent reduced quality/internal overlooking. These include angled facades and offsetting windows with lack of directly opposing windows below the 22m separation distance.
- 10.9.21 CE Report Comment: No comment made in relation to separation distances.
- 10.9.22 Conclusion on Separation Distances: I am satisfied that the design has adequate regard to the issue of internal separation distances between parts or blocks and separate blocks and that a number of design mechanisms are applied to ensure no directly opposing windows with a separation distance lower than 22m. I would also

refer to the previous section regarding daylight and sunlight, and the fact that the applicant has demonstrated that the daylight and sunlight levels to proposed units, and communal open space is of a satisfactory standard. I would also refer to SPPR1 of the Sustainable Residential Development and Compact Settlement guidelines that recommend separation distance of 16m between opposing windows serving habitable rooms, which is exceeded in the case of the proposed development. I am satisfied that the proposal is of adequate quality and complies with Development Plan policy in terms of separation distances.

10.10 Residential Amenity-Adjoining Properties

10.10.1 In terms of existing properties adjoining the site, there are existing residential properties adjoining the site to north, south and east of the site. Two storey dwellings within the housing developments of Sommerville, Larchfield and Rosemount Estate that back onto the northern, southern and eastern site boundary respectively. There have been a number of observations from the owners/residents of the existing dwellings to the north, south and east which have been summarised above and relate to design, scale in proximity to existing dwellings including concerns regarding loss of light/overshadowing, overlooking and overbearing physical impact.

10.10.2 Daylight, sunlight, overshadowing: A Daylight and Sunlight: A 'Daylight, Sunlight and Overshadowing Analysis' has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE (2011) (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.
- BS EN 17307:2018 – Daylight in Buildings – British Standard
- IS EN 17037: 2018 – Irish Standard

The submitted assessment undertook a number of tests and in relation to daylight and sunlight provision within the proposed development.

10.10.3 Daylight impact: The Vertical Sky Component (VSC) is a measure of how much direct daylight a window is likely to receive. The Vertical Sky Component is described as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value.

10.10.4 The applicant has assessed impact on a number of windows on the rear of all properties backing onto the site (Sommerville, Larchfield and Rosemount Estate). Of the 110 windows assessed 109 meet the target value of 27% post development or the level of reduction value is greater or equal to 80% of its former value. 106 of the windows retain a VSC above 27% post development, 3 no. windows fall below 27% post development but retain 80% of their former value (26.58, 26.34 and 26.41% values) with one window at no. 13 Sommerville falling below 27% (22.57) and have a value of 73.45% of its former value. This is a window on the eastern side of an extension (appears to be a conservatory extension) that projects from the rear of the existing dwelling and runs the width of the majority of the rear façade of the existing dwelling.

10.10.5 Sunlight and Shading: An assessment of Annual Probable Sunlight Hours (APSH) for the adjoining properties has been carried. The BRE standard is for interiors where the occupants expect sunlight should receive at least one quarter (25%) of APSH including in the winter months between 21st September and 21st March at least 5% of APSH. This standard only applies to units within 90 degrees of due south.

10.10.6 An assessment of Annual Probable Sunlight Hours (APSH) for adjoining properties has also been carried out. The BRE standard is for interiors where the occupants expect sunlight should receive at least one quarter (25%) of APSH including in the winter months between 21st September and 21st March at least 5% of APSH. This standard only applies to units within 90 degrees of due south. The assessment relates to the windows on the southern elevation of no.s 13-48 Sommerville. The results indicate that all windows assessed meet the target values under the BRE guidelines (25% and the 5% winter hours target value).

10.10.7 The submitted report includes an assessment of sunlight impact on amenity spaces associated with the closest residential development (the dwellings backing onto the northern, southern and eastern boundaries in Sommerville, Larchfield and Rosemount Estate respectively). The BRE requirement is that a minimum of 50% of the amenity space shall receive two or more hours of sunlight on the 21st of March. The results of the assessment are that all amenity spaces assessed (34) associated with the existing dwellings retain in excess of the target value under BRE guidelines apart from the amenity spaces associated with 4 no. properties (no.s 9, 10, 11 and 12 Larchfield). These properties have rear amenity spaces that currently fall below BRE target value, however it is pointed out the development will not impact on sunlight levels as these are north facing spaces.

10.10.8 Overlooking/physical impact: The issue of overlooking and physical overbearing impact is raised by the third-party observations due to scale, proximity, orientation and loss of existing vegetation along the boundaries. The application is accompanied by a Residential Considerations report in response to the ABP opinion, which goes into detail regarding the physical relationship between the development and the existing adjoining residential development in terms of separation distances, orientation and design measures included to have regard to adjoining amenities.

10.10.9 Block A is located to the west of the site and is a U-shaped block, 6-storeys in height (five floors above a podium level) with a central courtyard at podium level open to the south. Block B is located to the east of the site and is also a U-shaped block, 3-storeys in height with a central courtyard at ground level open to north. Block A and B both have communal open spaces at second floor level and there is ground level communal open space between Blocks A and B. In the case of Block A the six-storey portion of the site is located to the west of the site and adjoining the public road and is offset in relation to existing dwellings to the north and south. Immediately north of the sixth-storey element is the vehicular access and open space area associated with Sommerville while to the south is the access road serving Larchfield and a detached structure in commercial use. Block A steps down with a three-storey link structure (at first and second floor level), to a four-storey portion with the third-floor level setback. This four-storey portion is located to the south of no. 13-15 Sommerville, which back onto the northern boundary of the site and in excess of 22m separation is provided between upper floor windows and the rear elevations of the existing dwellings in compliance with Section 12.8.7.1 of the Development Plan. A number of design mechanisms are applied to the southern façade of Block A, where it faces the rear gardens of dwellings on Sommerville. This includes screened angled screens for bedroom windows in link portion of Block A and ‘blinked’ windows (protruding angled windows) and perforated brick screens for the end portion of a balcony area. In terms of development to the south the four-storey portion of Block A is offset in relation to the dwellings Larchfield.

10.10.10 Block B is a three-storey Block and provides a level of separation of over 22m in terms of opposing first floor and over windows relative to adjoining dwellings both to the north (Sommerville), south (Larchfield) and east (Rosemount Estate), which is in compliance with Development Plan requirements for separation distances. The same design mechanisms employed on the northern and southern elevations of Block A are to be used in Block B to prevent overlooking. In relation to the eastern elevation, the level of separation distance between the eastern elevation of Block B and the rear of existing dwellings in Rosemount estate is in excess of 25m and it is proposed to retain the treeline of mature trees along the eastern boundary that provides some screening between the application site and the dwellings to the east.

10.10.11 Both Blocks A and B have a communal open space areas at roof level (second floor level). The space on Block A is located to along the northern elevation on the long side of the block with the space on Block B located along the southern elevation on the long side of the block. The proposal includes (drawing no. 20411-1-2-103) landscape measure including provision of a raised planted and planting along the northern edge of the space on Block A and southern edge of the space on Block B to provide a physical buffer that would prevent overlooking and reduce noise impact from use of these spaces.

10.10.12 The overall design and scale of the development has regard to its relationship with existing development on the adjoining site. The manner in which the highest/bulkiest element is located to the west of the site and offset from existing residential properties is noted with Block A stepping down in height to four-storeys with the third-floor level setback. Block B, which is located to the rear of existing dwellings to the north, south and west is three-storeys in height with a flat roof and not excessively higher in ridge height than existing dwellings. I am satisfied that the development provides for an adequate level of separation between the elevations of the development and adjoining residential development and in case of directly opposing upper floor windows maintains a reasonable separation distance consistent with Development Plan policy. I am also satisfied that the development employs a number of design mechanisms that prevent overlooking from windows, balconies and communal amenity space that are satisfactory in terms of protecting adjoining amenity while at the same time not compromising the residential amenities of future residents.

10.10.13 CE Report Comment: The CE report considers that the physical impact of proposal is satisfactory in the context of adjoining residential amenity and considers that the various measure proposed to prevent undue overlooking would be acceptable.

10.10.14 Conclusion: I am satisfied that the overall design and scale would have adequate regard to the amenities of adjoining properties and would be acceptable in the context of daylight and sunlight/overshadowing, impact in terms of overlooking and its general physical relationship to existing residential development in the area. The proposal provides an appropriate balance between providing a development that is an efficient use of zoned, serviced accessible lands and protecting adjoining residential amenity.

10.11 Traffic and Transportation:

10.11.1 The application site is to be accessed from Dundrum Road/R117 and is to use an existing access point that currently serves the existing use on site and the Sommerville housing development to the north. The proposal will entail some alteration to the existing access (adjusted junction radii and provision of uncontrolled pedestrian crossing including tactile paving). The third-party observations raise concerns regarding traffic impact in the context of existing traffic congestion on Dundrum Road, the lack of existing cycle path infrastructure in the area and public transport capacity.

10.11.2 Traffic Assessment: The proposal entails vehicular access off the Dundrum Road using an existing access that is already in place. A Traffic and Transport Assessment (TTA) has been carried out. To accurately assess the impact of the proposed development in the future, the base traffic flows for the local network established by traffic surveys were expanded to the Year of Opening (2025) and the Design Years (2030 and 2040) using TII growth factors. The assessment takes account of a permitted development SHD development of 115 units and childcare facility located to the west that will access Dundrum Road (Frankfort). An assessment of the local road network including a junction capacity analysis (TRANSYT modelling) of a number of key junctions (Junction 1: Dundrum Road (R117) / Sommerville / Frankfort Centre / Old Frankfort, Junction 2: Dundrum Road (R117) / Rosemount / Frankfort Park and Junction 3: Dundrum Road (R117) / Taney Road (R112) / Dundrum Bypass (R117) /

Churchtown Road Upper (R112)). The analysis determines the degree of saturation (DOS), mean maximum queue, mean delay and practical reserve capacity for each arm of the various junctions based on opening and design years for the AM and PM peak periods. The analysis indicates that the junctions currently operate with an acceptable DOS or capacity and that the proposed development will have a negligible impact on the operation of these junction in the design years.

10.11.3 I am satisfied that the TTA is of sufficient scope and detail to reach a conclusion regarding traffic impact. I am satisfied that the assessment demonstrates that the proposal would be satisfactory in the context of traffic impact on the local road network. I would consider that an important factor to consider is also the fact the is an accessible location in term of the established town centre, local employment and services as well as being well served by public transport. A Mobility Management Plan has been submitted with the application with an emphasis on shifting modes of transport away from vehicular traffic to other modes of transport.

10.11.4 Car Parking: Development Plan parking standards are set out under Table 12.5 with eth site with parking Zone 2 (Map T2) and are standard rates. Based on the standard rates the development of 111 no. apartments has a requirement for 11 car parking spaces. The parking provision is 39 spaces contained in the lower ground floor area of Block A and include 3 no. car club spaces and 10 spaces for EV's. 3 no. dedicated motorcycle spaces are also provided within Block A. 2 no. accessible spaces are also provided at surface level. Section 12.4.5.2 allows for a deviation from maximum or standard number of parking spaces subject to assessment under certain criteria (outlined above under Planning Policy section). I would be of the view that the development meets the criteria under which a deviation is allowable, the site is an infill site where it is unrealistic to provide parking to the maximum standard, is in close proximity to public transport infrastructure and local services (Luas Green Line and Dundrum Town centre). It is notable that the Councils Transportation Department have raised concerns that the level of parking is insufficient and have

recommended provision of a condition providing for increased parking to the rate of 0.7 per unit. The third-party observations also raised concerns that the level of parking is insufficient with concern regarding overspill into the adjoining housing developments.

10.11.5 The rate of car parking provided on site is one third of the number of units. I am of the view this level of car parking is a reasonable rate in the context of the location of the site within walking distance of both Dundrum Town centre, local services and the Dundrum Luas stop (green line). I am satisfied that the location of the site meets the criteria under Section 12.4.5.2 of the Development Plan. I would also refer to SPPR3 of the Sustainable Residential Development and Compact Settlement guidelines where in urban neighbourhoods “car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling”.

10.11.6 Bicycle Parking/cycling infrastructure: The proposal entails the provision of 203 no. bicycle parking spaces distributed throughout the scheme, 164 long stay, 2 no. cargo bike spaces at lower ground floor of Block A, at surface level there is provision of 6 long stay and 56 short stay spaces (31 Sheffield standards) as well as provision of 2 no. cargo bike parking spaces. Development plan requirements refer to standards under the Council’s publication, ‘Standards for Cycle Parking and Associated Cycling Facilities for New Developments’ (Table 4.1). the proposed development has a cycle parking requirement of 133 spaces (22 short stay and 111 long stay). The provision of cycle parking on site is well in excess of Development plan standards and sufficient to serve the development.

10.11.7 In regards to cycling infrastructure in the area, Dundrum Road does not have any existing cycle paths with only footpaths along the public road. The third-party observations are critical of lack of cycling infrastructure in the context of the proposal. I would be of the view that the lack of cycle paths in the area does not

render the proposal unacceptable. The application site is still located in established built-up area that is highly accessible in terms of its location to Dundrum Town centre and public transport infrastructure. I would also consider that the proposed development would be unlikely to prejudice future provision of cycling infrastructure in the public realm at this location.

10.11.8 CE Report Comment: The CE Report raises no major concerns regarding overall traffic impact of the proposal but raise some issues concerning level of car parking recommending a condition requiring amendment to increase parking levels to a rate of 0.7 per unit. The CE report also refers to the Transportation Section Report, which identifies the inadequacy in parking as well as issues regarding quality, location and accessibility of such.

10.11.9 Conclusion: The proposed development is satisfactory in the context of its overall traffic impact at this location. Sufficient car and bicycle parking is provided with the level of car parking satisfactory in the context of the location of the site at an accessible location in terms of the town centre, public transport, and local employment and services with regard had to the need to shift the emphasis to use of alternative modes of transportation and reduce dependency on vehicular traffic in accordance with national, regional and local planning policy.

10.12 Drainage Infrastructure/Flooding:

10.12.1 The proposal entails connection to existing water supply, foul drainage network and surface water drainage network with details provided in the Engineering Services Report submitted with the application. The proposal entails connection to an existing watermain along Dundrum Road to the south. Foul drainage will entail connection to a 225mm foul sewer at Larchfield. Stormwater drainage entails outfall to a stormwater drain along Dundrum Road with discharge rate to be restricted using a flow control device (3.17l/s). Sustainable Urban Drainage measures (SuDs) are to be implemented

including green roofs, water butts, attenuation tank with flow control device and tree pits.

10.12.2 Uisce Eireann have indicated that any solution to service this proposal is likely to include storm water reduction measures and local upgrades to the water and wastewater network and be subject to a connection agreement with Irish Water. Uisce Eireann indicated that a proposed diversion of a section of existing public 225mm public sewer requires engagement with Uisce Eireann and appropriate survey. Uisce Eireann has issued a Statement of Design Acceptance for the proposed development within the redline boundary but does not include any diversion feasibility assessment. Uisce Eireann have issued a confirmation of feasibility to the applicants, and such is included as an appendix to Engineering Services Report. This indicates that both water and wastewater connection is feasible with upgrades. I would consider that a condition requiring the developer enter into water and wastewater connection agreement(s) with Uisce Eireann, prior to commencement of development is sufficient in this regard.

10.12.3 The application is accompanied by a Flood Risk Assessment (FRA). Stage 1 of the FRA is Flood Risk Identification. The assessment identifies that the site is not in any area subject to flood risk. For fluvial flood risk there are no historical flood events at this location with the site 100m from the River Slang, which is subject to fluvial flood risk upstream and downstream of the site with finished floor level above the floodplain levels. There is risk of tidal flooding at this location. For pluvial flooding there are no historical flood events recorded. The drainage system on site is designed for an extreme storm event (1 in 100 year storm event increased by 20% to account for climate change). Groundwater flood risk is classified as low based on GSI mapping. The development is classified as highly vulnerable development under The Planning System and Flood Risk Management Guidelines and is appropriate within areas classified as Flood Zone C as is the case with no requirement for a justification test.

10.12.4 CE report Comment: The CE report refers to the Councils Drainage Section report. Which identifies a number of concerns regarding the drainage proposals including incorrect discharge rates calculated with surface water system undersized, location of attenuation in an undercroft/basement area inappropriate for future maintenance, proposal for water butts instead of central rainwater harvesting also inappropriate, green roof proposal not in accordance with DLR policy. Site-Specific Flood Risk Assessment does not use latest information available or address low points on site and how they will be managed. A number of conditions are recommended that require revisions and agreement with the Council in the event of a grant of permission.

10.12.5 Conclusion: In relation to connection to existing drainage services I would refer to Uisce Eireann's confirmation of feasibility. It is notable that a number of conditions are recommended to deal with concern regarding incorrect discharge rates calculated with surface water system undersized, location of attenuation in an undercroft/basement area inappropriate for future maintenance, proposal for water butts instead of central rainwater harvesting not inappropriate, green roof proposal not in accordance with DLR policy. I would be of the view that these issues could be addressed by way of condition. In relation to flood risk the entire site is located with Flood Zone C in term of fluvial flood risk, pluvial flood risk can be dealt with by on-site drainage with no risk of either tidal or groundwater flood risk at this location.

10.13 Ecological Impact:

10.13.1 The application was accompanied by an Ecological Impact Assessment. In terms of habitats the site is mainly Building and Artificial Surfaces (BL3), with some sections of Dry Meadows and Grass Verges (GS2) and Ornamental/Non-Native Shrub (WS3), a strip of Amenity Grassland (GA2) along the western boundary, Treelines (WL2) the eastern and southern boundary and Scrub (WS1) along the northern boundary. The various surveys carried out identified that 3 no. bat species were identified feeding and commuting within the site (common pipistrelle, soprano pipistrelle, leisler's bat). In terms of bird species, the species identified on site are robin, wren, bluetit, blackbird rook and magpie, with a protected species herring gull detected flying over (not

nesting). In relation to other fauna two foxes were recorded (resident) on site and 2 species of butterfly. Impact of the proposal would include loss of habitat due to loss of scrub, trees and vegetation on site, which would impact on roosting and nesting birds, feeding and cover for bird species, commuting corridor for bats. During the construction and operational phase increased lighting would impact on bird and bat species.

10.13.2 A number of mitigation measures are proposed including vegetation clearance outside bird nesting season, construction management measures to prevent importation of invasive species, lighting design to prevent light overspill, wildlife sensitive lighting specification, establishment of dark corridor on site for bat movements, erection of bat boxes in unlit areas, landscaping scheme including additional planting and limitation of soil disturbance during construction.

10.13.3 A Tree Survey Report was submitted and identifies that there are 19 no. individual trees and one tree group (3 no. trees). Of the 19 no. trees, 7 no. are classified A (high quality), 7 no. are classified B (moderate quality), and 4 no. are classified C (low quality). The tree group is classified B (moderate quality). The proposal entails removal of 8 trees in total, 5 of the individual trees and the tree group (3 no. trees). The trees to be removed consist of 4 classed B and 4 classed C in terms of condition/life expectancy. The proposal includes measures to protect trees for retention during construction including no works within identified root protection areas and uses barriers/fencing or additional ground protection measures.

10.13.4 The third-party observations raise concerns regarding the impact of the proposal on wildlife including the impact of tree/vegetation removal as well as raising concerns that the trees identified for protection may be impacted by construction works/proximity of proposed structures regardless of the intention to retain. One of the submissions

raises concerns regarding impact on bats and the lack of assessment of collision risk for birds.

10.13.5 I am satisfied that the appeal site is an urban site that is not of significant or high-level ecological value. Notwithstanding such I am satisfied that the proposal entails retention of a high level of existing trees on site and includes measures to enhance and protect biodiversity on site. In regards to tree protection, the application is accompanied by a tree survey, which outlines trees to be retained on site including identified the tree root protection zones for such and identifying measures to ensure protection of such during the construction phase. In relation to bats there is bat activity on site in form of feeding and commuting. The site was surveyed for roosting potential and does not appear to be suitable for such or have any existing bat roosts. The proposal entails retention of existing trees, provision of a dark corridor (appropriate lighting scheme and additional planting) and provision of bat boxes. In relation to bird species, the site is not ex-situ habitat for protected species and based the survey information submitted is not under a major flight path for protected species. There is mention of two foxes on site. The construction phase of the development may cause displacement of such to other locations. I would consider such be acceptable and would consider that such displacement would not be significant in the context of such species, which are commonly resident in urban area. I accept that information provided is sufficient to draw a conclusion that the trees identified for retention can be retained as part of the proposal.

10.13.6 CE report Comment: The CE report acknowledges that fact that an Ecological Impact Assessment was submitted and raise no concerns regarding such. It is notable that the Parks Department raise concerns regarding the viability of retention of some of the trees earmarked for retention due to proximity to proposed structures.

10.13.7 Conclusion on ecological impact: I am satisfied that it has been demonstrated that the site is not of high ecological value and that the habitats of most significant value (Treelines) are being retained with small level of tree loss. I am satisfied that the range of mitigation measures proposed are sufficient to ensure no significant impact on species of conservation value.

10.14 Telecommunications Infrastructure

10.14.1 The proposal entails the provision of 4 no. telecommunication antennae on the roof of Block A. The antennae have a height of 2m above the roof level. The site is currently in use by Eir as Data Centre and currently accommodates a number of telecommunications antennae on site. The Statement of Consistency outlines that there are existing structures being operated by two providers on site and that the proposal complies with 'Telecommunications Antennae and Support Structures' (1996) and Circular Letter PL 07/12 and Development Plan policy which refers to national policy. The Statement of Consistency also includes a map of existing telecommunication infrastructure within 1km of the site and acknowledges the fact the site is an existing location for telecommunications infrastructure. Some of the third-party observations raise concerns regarding the proposal for antennae on the roof of the proposed development with one observation raising health concerns in the context of proximity to existing residential properties.

10.14.2 As stated the site is currently facilitating the location of telecommunication infrastructure/antennae with the applicant confirming two mobile operators use the site. I consider that the maintenance of the site as a location for telecommunications structures is an acceptable arrangement and would maintain existing coverage levels in the area. I am satisfied that the proposal for maintaining such development on site is consistent with the policies of 'Telecommunications Antennae and Support Structures' (1996) and Circular Letter PL 07/12 and Development Plan policy in relation to telecommunications infrastructure. On the issue of health there is a

requirement under the national guidelines for compliance with the International Radiation Protection Association (IRPA) Guidelines (Health Physics, Vol. 54, No. 1 (Jan) 1988) or the equivalent European Pre-standard 50166-2 which has been conditioned by the licensing arrangements with the Department of Transport, Energy and Communications and to furnish evidence that an installation of the type applied for complies with the above guidelines.

10.14.3 CE Report Comment: The CE report acknowledges that the site is a pre-existing location for telecommunication infrastructure and that provision of telecommunication infrastructure in tandem with the proposed residential development is acceptable and necessary to maintain existing levels of coverage in the area.

10.14.4 Conclusion: The proposal to provide telecommunication infrastructure in tandem with residential development, maintains a pre-existing arrangement and would maintain existing coverage levels for mobile and broadband in the area. I am satisfied that the proposal is compliant the policies of 'Telecommunications Antennae and Support Structures' (1996) and Circular Letter PL 07/12 and Development Plan policy in relation to telecommunications infrastructure.

10.15 Other Issues:

10.15.1 The issue of public transport capacity in the context of density and building height is raised. As stated above under my assessments of but density and building height and as reiterated throughout the assessment, the proposal is complaint with Development Plan policy in regards to principle, density and building height.

10.15.2 One of the submissions indicates that the proposal constitutes a material contravention of Development Plan/LAP policy in relation density and building height.

I would refer to the earlier sections of this report regarding both density and building height in the context of the 2022-2028 Dun Laoghaire Rathdown County development plan and the following section of this assessment, which deal with material contravention. I would reiterate the conclusion of these section in that the proposal does not material contravene Development plan policy in terms of density or building height and there are no instances where the proposal contravenes any policy under the Dundrum Local Area Plan 2023.

10.15.3 One of the submissions questions the adequacy of information submitted in the context of EIA screening and AA screening in addition to the Boards competence to carry out an assessment of these issues. The Board has a role as the competent authority in relation to these matters. I would refer to the following section of this report in which I carry out both EIA screening and AA screening is carried out and it consider that sufficient information is available to reach conclusions in regard to both matters.

10.15.4 The third-party submissions raise concerns regarding future tenure of the development. The proposal is for an apartment development of 111 no. units and is being assessed on its merits. The Board has no role in determining the future tenure of the proposal with such being assessed in terms of appropriateness in the context of the proper planning and sustainable development of the area.

10.15.5 The issue of lack of public notices at Rosemount Estate is noted in some submissions. In this regard I would acknowledge that third party submission were received from residents from all housing developments adjoining the site (Sommerville, Larchfield and Rosemount Estate) raising concerns regarding the impact of the development on the amenities of these established developments, which have been considered as part of the assessment of the application.

10.15.6 CE report Comment: The CE report does not mention these issues in its assessment.

10.15.7 Conclusion: I am satisfied none of these issues raised would preclude the development from being granted permission.

10.16 Material Contravention:

10.16.1 The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Dun Laoghaire Rathdown County Development Plan 2016 (in force at time of lodgement) in relation to a number of issues, the statement also addresses these issues in the context of the Dun Laoghaire Rathdown County Development Plan 2022-2028 adopted (10th March 2022) after lodgement of this application and coming into effect on the 21st April 2022. The statement is summarised above (Section 6.6).

10.16.2 Unit Mix: The proposal provides for a unit mix of 3 no. studio units, of 51 no. one bed units and 57 no. two bed units. I would refer to Section 10.6 and the fact that the proposal is a material contravention of the Dun Laoghaire Rathdown County Development Plan 2022-2028, which requires provision of at least 20% 3+ bed units.

10.16.3 Separation Distances: Section 12.3.5.2 requires separation distances of circa 22m in general, between opposing windows in the case of apartments up to three storeys in height. The applicant identifies there are certain instances where internal separation distances are below 22m with lowest being 20.2m. The applicant refers to justification based on the Apartment Guidelines and a move away from blanket standards towards performance criteria appropriate to location.

10.16.4 Development plan policy does specify that “in certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. In all instances where the minimum separation distances are not met, the applicant shall submit a daylight availability analysis for the proposed

development". In this case I am satisfied that separation distances are satisfactory, and that the applicant has demonstrated the development has access to sufficient daylight and sunlight levels (section 10.8). The proposal would not materially contravene Development Plan policy in relation to separation distances.

10.16.5 Car Parking: Development Plan standards under table 12.5 specify car parking standards with the site in Zone 2. The standard requirement is 111 spaces (1 per apartment unit). A reduced parking level is acceptable in circumstances relating to locational context and public transport (Section 12.4.5.2 allows for a deviation from maximum or standard number of parking spaces subject to assessment under certain criteria (outlined above under Planning Policy section). I have examined this issue in the assessment (Section 12.10.4) and consider the proposal complies with Development Plan policy would not materially contravene such.

10.16.6 Public/Communal Open Space: The proposal entails the provision of no public open space but does provide 1,923sqm of communal open space. I would refer to Section 10.10.8 of my assessment which outlines that Development Plan policy does allow circumstances where there will no provision of public open space and a provision of a financial contribution in lieu. I have outlined in Section 10.10.8 how this is justified in this case (subject to application of a financial condition) and the proposal is compliant with policy under the County Development Plan 2022-2028. Communal open space standards under the Development Plan reflect the standards set out under the Apartment Guidelines with well in excess of required standards provided on site.

10.16.7 Private Open Space: Development plan requirements for private open space reflect the standards under the Apartment Guidelines and as noted earlier in the assessment the proposal is compliant with these standards.

10.16.8 Residential Density: I would refer to section 10.5 of this assessment regarding density in the context of Development plan policy. This section outlines how the

density proposed is acceptable in the context of national guidance to which Development Plan policy refers to in assessing density. I am satisfied that the density level proposed would not be a material contravention of Development Plan policy.

10.16.9 Building Height: I would refer to Section 10.8 of the assessment regarding building height. The site is within an area dictated by BHS3 relating to building height in 'Residual Suburban Areas' under which the policy objective is to promote general building height of 3 to 4 storeys, however higher building height can be facilitated in such area subject to compliance with the criteria under Table 5.1 of the Building Height Strategy, which are informed by the Development Management Criteria under section 3.2 of the Urban Development and Building heights Guidelines (2018) apart from assessing building height based on County Level rather than City/Town and having County Specific Criteria. I have assessed the development in the context of these criteria and consider that the height proposed is acceptable and in this regard the proposal would not constitute a material contravention of Development Plan policy.

10.16.10: Tree Retention: There is a map objective on site that is 'to protect and preserve trees and woodlands'. The 2022 Development Plan encourages retention and protection of existing trees but acknowledges that the objective does not require all trees to be retained, but proposals should be subject to an arboricultural assessment. I would refer to Section 10.14, which elaborates on impact on trees. In this case the proposal entails retention of the majority of trees on site and is informed by an appropriate tree survey report as well as a comprehensive landscaping scheme providing for additional planting. In this regard I am satisfied the proposal would not materially contravene Development Plan policy in relation to the Trees and Hedgerow objective on site.

10.16.11 External Storage: Under section 12.3.5.2 of the development Plan in relation external storage it is stated that “Apartment schemes should provide external storage for bulky items outside individual units (i.e. at ground or basement level), in addition to the minimum apartment storage requirements. These storage units should be secure, at ground floor level, in close proximity to the entrance to the apartment block and allocated to each individual apartment unit”. The adopted Development Plan does not specify a minimum floor area and is not definitive requirement in the manner in which it is stated as opposed to internal storage requirements, which are reflective of the Apartment Guidelines. The proposal does not entail individual external storage for apartments, and I do not consider the lack of such would constitute a material contravention of Development Plan policy.

10.16.12 CE report Comment: The CE Report does not identify any circumstances where the proposal would materially contravene Development plan policy. The CE Report does identify that unit mix is not compliant with Development Plan policy and that there should be provision of external storage for each apartment unit. The CE report has recommended that both of these issues be dealt with by way of condition. As noted above I consider that the development is mostly compliant with Development Plan policy with the exception of unit mix and that the unit mix as proposed would constitute a material contravention of the Dun Laoghaire Rathdown County Development Plan 2022-2028.

11.0 Environmental Impact Assessment Screening

11.1 Environmental Impact Assessment Report

11.1.1 This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

11.1.2 Item 10(b)(i) and (iv) 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 EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- 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. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

11.1.3 Item (15) (b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: "Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7."

11.1.4 The proposed development is for a residential scheme of 111 dwelling units and is not within a business district, on a stated development site area of 0.79ha. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended.

11.1.5 The application was accompanied by an EIA Screening Report which includes the information set out in Schedule 7A to the Planning and Development Regulations 2001 as amended and I have had regard to same. The report states that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size, number of residential units (111) and the concludes that the proposal is unlikely to give rise to significant environment effects, so an EIAR is not required.

11.1.6 Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

11.1.7 The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Planning Report and Statement of Consistency (Decland Brassil + Company)
- Landscape and Visual Impact Appraisal (Cunnane Stratton Reynolds)
- Verified Views and CGI (Redline Studios)
- Engineering Services Report (CS Consulting Group)
- Site Specific Flood Risk Assessment (CS Consulting Group)
- Transport and Transport Assessment (CS Consulting Group)
- Ecological Impact Assessment (Wildlife Surveys Ireland Ltd)
- Appropriate Assessment Screening Report (Wildlife Surveys Ireland Ltd)
- Noise Impact Assessment (TMS Environment Ltd)
- Construction & Demolition Waste Management Plan (CS Consulting Group)

11.1.8 In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account and are listed in Section 6 of the EIA screening report. The documents are summarised as follows:

Document:	Comment:	Relevant Directives:
Ecological Impact Assessment		Directive 92/43/EEC, The Habitats Directive
Appropriate Assessment Screening		Directive 92/43/EEC, The Habitats Directive Directive 2000/60/EC, EU Water Framework Directive
Engineering Services Report Site Specific Flood Risk Assessment		Directive 92/43/EEC, The Habitats Directive Directive 2000/60/EC, EU Water Framework Directive Directive 2007/60/EC on the assessment and management of flood risks
Planning Report and Statement of Consistency		Directive 2001/42/EC, SEA Directive

Material Contravention Statement		
Stage 1 Construction Management Plan Construction Environmental Management Plan Construction Environmental Management Plan prepared by Enviroguide Noise Impact Report		Directive 2002/49/EC, Environmental Noise Directive Directive 2008/50/EC on ambient air quality and cleaner air for Europe
Transport Assessment Report prepared by NRB Consulting Engineers		Directive 2008/50/EC on ambient air quality and cleaner air for Europe
Stage 1 Construction Management Plan Construction Environmental Management Plan		Directive 2008/50/EC on ambient air quality and cleaner air for Europe
Engineering Services Report Site Specific Flood Risk Assessment		Directive 2007/60/EC on the assessment and management of flood risks

Site Specific Flood Risk Assessment		Directive 2007/60/EC on the assessment and management of flood risks
N/A	No Seveso sites in the area.	SEVESO DIRECTIVE 82/501/EEC, SEVESO II DIRECTIVE 96/82/EC, SEVESO III DIRECTIVE 2012/18/EU

11.1.9 The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

11.1.10 I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

11.11.11 I am satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

12.0 Appropriate Assessment

12.1 Applicant's Stage 1 – Appropriate Assessment Screening

12.1.1 The applicant has submitted an appropriate assessment screening report. I have had regard to the contents of same.

12.1.2 The subject lands are described in section 3 of this report. Field surveys were undertaken (botanical and habitat walkover, habitat mapping, bird survey, bat survey and mammal survey) these informed the Ecological Impact Assessment as well as the AA Screening Report. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

12.1.3 The screening report identifies 16 European Sites within the potential zone of influence, these are as follows:

Name	Site Code	Distance from Site
South Dublin Bay and River Tolka Estuary SPA	004024	3.3km
South Dublin Bay SAC	000210	3.4km
Wicklow Mountains SAC	002122	7km
Wicklow Mountains SPA	004040	7.3km

North Dublin Bay SAC	000206	8.1km
North Bull Island SPA	004006	8.1km
Glenasmole Valley SAC	001209	9.1km
Knocksink Wood SAC	000725	9.6km
Dalkey Island SPA	004172	10.2km
Rockabil Dalkey Island SAC	003000	10.3km
Ballyman Glen SAC	000713	11.2km
Howth Head SAC	000202	12.7km
Baldoyle Bay SAC	000199	13.5km
Baldoyle Bay SPA	004016	13.5km
Howth Head Coast SPA	004113	14.7km
Bary Head SAC	000714	15.2km

12.2 Connectivity-Source-Pathway-Receptor:

12.2.1 The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the identified sites with no connectivity noted between the site and any of the designated sites.

12.2.2 No direct adverse effects are anticipated with no direct loss, fragmentation or disturbance of Annex I habitats or Annex II species listed as qualifying interest of the Natura 2000 sites.

12.2.3 In terms of indirect effects the site is remote form any surface water bodies, is not affected by flooding. Surface water drainage will be via soakaways on site and direct

infiltration in green spaces with the remainder entering the existing stormwater system on Dundrum Road and passing through SuDs features and an attenuation tank. Foul sewerage will discharge to the existing network and ultimately to the Ringsend WWTP. Potential contamination of surface water features and water-based Natura 2000 sites is ruled out and no mitigation is required to protect any designated sites from impact.

12.2.4 The applicant reviewed other plans and projects in the area and does not envisage that interaction with such would give rise to any cumulative impacts that would adversely affect any Natura 2000 site. It is noted that any proposal which is subject to planning permission is subject to consideration of appropriate assessment.

12.2.5 Applicant Screening Conclusion: It is concluded that the proposed development would be unlikely to give rise to any significant effects on any designated Natura 2000 site either individually or in combination with other plans and projects and a Stage 2 Appropriate Assessment is not required.

12.3 Appropriate Assessment Screening

12.3.1 Description of the project: I have considered the proposal for 111 no. apartments and associated site works in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located in the existing built-up area and is occupied by an existing telecommunications infrastructure building with adjoining uses being residential in nature. The nearest Natura 2000 site is 3.3km away (South Dublin Bay and River Tolka Estuary SPA). The proposed development comprises the provision of 111 apartments contained in two blocks and associated site works.

12.3.2 Potential impact mechanisms from the project: The proposal has no direct impact on any designated Natura 2000 site in terms of habitat loss or deterioration and species disturbance or mortality with nearest site located 3.3km away. In terms of indirect impacts, the development would have no impact in terms of disturbance (noise,

emissions, lighting, construction impact) of habitats or species of qualifying interests any Natura 2000 site due to distance between the site and any designated Natura 2000 site. The nearest Natura 2000 site is the South Dublin Bay and River Tolka Estuary SPA (004024), the qualifying interest are 13 bird species and a wetlands habitat. The site is too remote from the application site and is not an ex-situ habitat for the species that are qualifying interests (evidenced by bird surveys submitted) or any other designated Natura 2000 sites, which are even more remote from the site.

12.3.3 In terms of hydrological connections, surface water drainage will be via soakaways on site and direct infiltration in green spaces with the remainder entering the existing stormwater system on Dundrum Road and passing through SuDs features and an attenuation tank with a flow control device regulating discharge. The stormwater system drains to the River Slang, which is located 100m to the west, this subsequently discharges to the Dodder River, which discharges to the River Liffey and the Irish Sea. Foul water discharge is to the existing public network, which discharges to the Ringsend Wastewater Treatment Plant. There is possibility of indirect effects through discharges of sediments/pollutants to surface water during the construction and operational phase and impacting habitats and species that are dependent on water quality. There is unlikely to be any indirect impact on water quality through foul water drainage with such draining into the Ringsend Wastewater Treatment Plant, which has capacity and is operated subject to license.

12.4 European Sites at risk:

Table 1 European Sites at risk from impacts of the proposed project [example]			
Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
(A) Deterioration in water quality due to discharge of sediment/pollutants to surface water	Discharge to surface water system with subsequent discharge to River Slang and the Liffey/Irish Sea	South Dublin Bay SAC (000210) Conservation Objectives: To maintain the favourable	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210]

		conservation condition of the qualifying interests.	Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
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12.4.1 The South Dublin Bay SAC is the nearest designated aquatic based designated site to the with the site having an indirect hydrological connection through surface water with potential for risk to water quality due to discharge of sediments/pollutants during the construction and operational phase of the proposal.

12.4.2 Likely significant effects on the European site(s) 'alone':

Table 2: Could the project undermine the conservation objectives 'alone'					
European Site and qualifying feature	Conservation objective (summary) [provide link/ refer back to AA Screening Report]	Could the conservation objectives be undermined (Y/N)?			
		Effect A	Effect B	Effect C	Effect D
South Dublin Bay SAC					
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of the qualifying interests.	N			
Annual vegetation of drift lines [1210]	To maintain the favourable conservation condition of the qualifying interests.	N			
Salicornia and other annuals colonising mud and sand [1310]	To maintain the favourable conservation condition of the qualifying interests.	N			
Embryonic shifting dunes [2110]	To maintain the favourable conservation condition of the qualifying interests.	N			

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12.4.3 The proposed development alone is unlikely to undermine the conservation objectives of the designated site due to discharge of sediments/pollutants to surface water during construction as standard construction measures will prevent pollution risks and provision Sustainable Urban Drainage Systems (SuDs) as proposed will prevent discharge of sediments and pollutants to surface water during the construction and operational stage. Notwithstanding such in event such measures fail, the hydrological connection is indirect and the likelihood of significant effects on qualifying interests can be ruled out on the basis of dilution factor. Having regard to this conclusion I would also state no other aquatic based Natura 2000 site located in Dublin Bay and the Irish Sea would be at risk as such are located at further distance from the surface water outfall point to the River Liffey are not within the zone of influence of the project.

12.4.4 I conclude that the proposed development would not have a likely significant effect 'alone' on the qualifying interests of the South Dublin Bay SAC from effects associated with discharge of sediments/pollutants to surface water.

12.4.5 Likely significant effects on the European site(s) 'in-combination with other plans and projects: There nearest development of note is a permitted development (TA06D.311287) of for 115 no. apartments, creche and associated site works at Frankfort Castle. I would rule out in-combination effects on the basis that any proposed or permitted development was subject to AA screening and that such connect to existing drainage infrastructure and are subject to the same construction management measures to prevent discharges of sediments/pollutants to surface water. I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s).

12.5 Overall Conclusion- Screening Determination: In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) is not required.

This conclusion is based on:

- Objective information presented in the Screening Report
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same
- Distance from European Sites,
- The absence of meaningful pathway to any European site
- Impacts predicted would not affect the conservation objectives.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

13.0 Recommendation

I recommend refusal based on reason and consideration set out below.

14.0 Reasons and Considerations

1. The proposed development entails the provision of 111 no. apartment units with a unit mix split between 3 no. studio apartments, 51 no. one bed apartments and 57 no. two bed apartments units. Policy Objective PHP27 of the County development

Plan states that “it is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA”. Table 12.1 of the Dun Laoghaire Rathdown County Development Plan specifies that in areas classified as ‘Existing Built Up areas’ as identified on the Core Strategy Map (Figure 2.9) within which the application site is located in, for developments of 50+ units (apartments) a minimum requirement is the provision of a minimum of 20% of 3+ bedroom units (apartments). The proposed unit mix does not comply with the requirement explicitly set out under Development Plan policy and the proposed development would constitute a material contravention of Development plan policy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Colin McBride

Senior Planning Inspector

10th July 2024

APPENDIX 1 EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference – ABP-312935-22		
Development Summary	Construction of 111 apartments and associated site works	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening report
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	The following has been submitted with the application: <ul style="list-style-type: none"> • An Ecological Impact Assessment (EcIA) which considers the Habitats Directive (92/43/EEC) and the Birds Directive 2009/147/EC). • An Engineering Services Report and Flood Risk Assessment which have had regard to Development Plan policies regarding the Water Framework Directive (2000/60/EC) and the Floods Directive (2007/60/EC).

		<ul style="list-style-type: none"> • A Stage 1 Construction Management Plan and Construction, Demolition and Waste Management which considers the Waste Framework Directive (2008/98/EC). • A Noise Impact Assessment Report which considers EC Directive 2002/49/EC (END). <p>SEA and AA was undertaken by the planning authority in respect of the Dun Laoghaire Rathdown County Development Plan 2022-2028.</p>	
B. EXAMINATION	Response: Yes/ No/ Uncertain	<p>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes	The proposed development consists of a mix of six-storey and three-storey apartment blocks to the east of Dundrum Road with adjoining developments comprising mainly two-storey dwellings. The development is not regarded as being of a scale or character significantly at odds with the surrounding	No

		pattern of development.	
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development will result in demolition of existing structures on site construction of a new development with the existing site subject to excavation and construction for residential use in accordance with the predominantly residential zoning of that applies to these lands.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such urban development. The loss of natural resources as a result of the redevelopment of the site are not regarded as significant in nature.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in a CMP and a CDWMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release	No	Construction activities will require the use of	No

pollutants or any hazardous / toxic / noxious substances?		<p>potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in a CMP and a CDWMP would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	No	<p>No significant risks are identified. Operation of standard measures outlined in a CMP and a CDWMP will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services and discharge surface waters only after passing through a fuel interceptor and a flow control device to the public network. Surface water drainage will be separate to foul</p>	No

		drainage within the site and leaving the site	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in a CMP and a CDWMP. Management of the scheme in accordance with an agreed management plan will mitigate potential operational impacts.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a CMP and a CDWMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated, with water supplies in the area provided via piped services.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk is predicted having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature.	No

		The site is not at risk of flooding. The site is outside the consultation / public safety zones for Seveso / COMAH sites.	
1.10 Will the project affect the social environment (population, employment)	Yes	Population of this urban area would increase. Housing would be provided to meet existing demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Application is zoned Objective A and is an infill site in a predominantly residential area. There are no other site is close enough proximity that would result in significant cumulative effects.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/	No	No European sites located on or adjacent to the site. An Appropriate Assessment Screening was provided in support of the application. Subject to the implementation of appropriate mitigation measures, no adverse effects are foreseen.	No

LAP/ draft plan or variation of a plan			
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	No	Three bat species (common pipistrelle, soprano pipistrelle, leiler's bat) identified as feeding and commuting within the site with no roosts or roosting potential on site. Two foxes resident on site. The proposed development would not result in significant impacts to protected, important or sensitive species. Mitigation measures in the form of landscaping to maintain the commuting corridor, landscaped berm to protect from lighting and implementation of bat friendly artificial lighting as part of the proposed development.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	The site and surrounding area does not have a specific conservation status or landscape of particular importance and there are no Protected Structures on site or in its immediate vicinity.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	No such features are in this urban location.	No
2.5 Are there any water resources including surface waters, for example: rivers,	No	The development will implement SUDS measures to control	No

lakes/ponds, coastal or groundwater which could be affected by the project, particularly in terms of their volume and flood risk?		surface water run-off. The site is not at risk of flooding. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No		No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	Access to and from the site will be via Dundrum Road which connects to the N22 National Road to the south west of the site. No significant contribution to traffic congestion is anticipated from the subject development.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	No	There are no sensitive land uses adjacent to the subject site.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan.	No

3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	✓		EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>		EIAR Required
D. MAIN REASONS AND CONSIDERATIONS			
The nature, characteristics and location of the proposed development means that it would not be likely to have significant effects on the environment.			

Inspector: Colin McBride
Date: 10th July 2024