



An
Bord
Pleanála

Inspector's Report ABP 312990-22

Development	Demolition of 'The Pastures' and garage and construction of 33 apartments.
Location	0.316 Ha (3.162 sq.m) site at, The Pastures, Sandyford Road, Dublin 18, D18K0V5
Planning Authority	Dún Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D21A/0595
Applicant(s)	Ultra Dawn Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	First Party & Third Party
Appellant(s)	First Party: <ul style="list-style-type: none">▪ Ultra Dawn Limited Third Party: <ul style="list-style-type: none">▪ Sandyford Downs Residents Association

- Lamb's Brook Residents Association
- Paul O'Kane
- Robert Simpson and Lynne Pasley
- Stuart Parkinson
- Stephen Mennell & Others
- Fionnuala Treacey and Gabriel Treacey

Observer(s)

Neil and Olive Colin

Date of Site Inspection

19th May 2023

Inspector

Brendan Coyne

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1.0 Site Location and Description

- 1.1.1. The site is situated on the eastern side of Sandyford Road (R117) in Dublin 18. Access to the site is provided by an internal road that also serves an existing residential development known as Lamb's Brook, which contains 12 no. two-storey dwellings. The irregularly shaped site spans c. 0.32 hectares (3,162 sq m) and contains a single-storey dwelling called 'The Pastures' and an ancillary garage. The property was built in the 1980s and possesses no significant architectural or heritage value.
- 1.1.2. The site is bordered by a residential development called 'Sandyford Downs' to the east, the 12 no. housing unit Lamb's Brook residential development to the south, a two-storey house named 'Karuna' to the north, and Sandyford Road (R117) to the west. There is currently a Strategic Housing Development (SHD) application on the 'Karuna' to the north where permission is sought for the demolition of the dwellings 'Karuna' and 'Glenina' (located further to the north) and the construction of 137 no. apartments and associated site works. Across the road to the west, a residential development known as 'Whinsfield' comprising 65 units is currently under construction (as permitted under DLRCC Reg. Ref. D17A/1003 / ABP Ref. 302954-18). The surrounding area of the site primarily consists of established low-density residential dwellings. Fitzsimon's Wood is located to the west of the site.
- 1.1.3. A row of tall mature coniferous trees runs along the northern boundary, with a similar second row of trees running parallel on adjoining lands to the north. A brick wall c. 1.8m high and a dense hedging c. 4m high defines the eastern boundary. Hedging is planted along the southern boundary and tall mature deciduous trees and hedging define the western roadside boundary. A stream known as the Carrickmines Stream flows along the eastern boundary.
- 1.1.4. The site is positioned northeast of the junction of Blackglen Road, Sandyford Road, Hillcrest Road, and Enniskerry Road. Sandyford Village is located c. 340 metres northeast of the subject site (approximately 900 metres or an 11-minute walk away) and offers various amenities, including shops, a pharmacy, a pub and restaurant, and a church. The M50 motorway is located c. 1km to the northeast at Junction 14 and the Luas Green Line Glencairn stop is c. 1.5 km to the north-east. A public footpath is located along the roadside boundary of the site along the Sandyford Road. Dublin Bus stops are located c. 250m to the north of the site along the Sandyford Road serving

bus route nos. 44B (Dundrum Luas Station to Glencullen) and 114 (Ticknock – Blackrock). Dundrum shopping centre is situated approx. 2 km from the appeal site. In the context of Dublin City, the site is situated on the suburban fringe, at the foothills of the Dublin and Wicklow mountains.

2.0 Proposed Development

2.1. Application as lodged to the Planning Authority on 28/06/2021

Permission sought for the following;

- Demolition of 'The Pastures' single storey dwelling and garage (241 sq. m).
- Construction of 2 apartment blocks (Block A and B) with 33 apartments in total.
- Apartment breakdown:
 - 10 one-bedroom units,
 - 20 no. two-bedroom units, and
 - 3 no. three-bedroom units
- Block A is 5 storeys and Block B is 4 storeys high.
- Total gross floor area proposed: 3,112 sq.m.
- 26 no. car parking spaces
- Bicycle store with 76 no. bicycle parking spaces,
- Proposed public and communal open space,
- Hard and soft landscaping,
- All associated site works above and below ground level.

2.1.1. Documentation submitted includes;

- Architectural Design Statement, prepared by HKR Architects
- Engineering Services Report, prepared by GDCL Consulting Engineers
- Flood Risk Assessment, prepared by GDCL Consulting Engineers
- Surface Water Audit, prepared by PUNCH Consulting Engineers
- Landscape Design Rationale, prepared by Cunnane Stratton Reynolds

- Appropriate Assessment Screening Report, prepared by Enviroguide
- Bat Survey Report, prepared by Ash Ecology and Environmental
- Tree Survey, prepared by Arborist Associates Limited
- Traffic Impact Assessment, prepared by AECOM
- Quality Audit Report, prepared by Bruton Consulting Engineers
- Construction Environmental Management Plan, prepared by AWN Consulting Limited
- Operational Waste Management Plan, prepared by AWN Consulting Limited
- Energy Strategy and BER Report, prepared by JV Tierney and Co. Consulting Engineers
- Building Lifecycle report, prepared by Thornton O'Connor Consultants
- Lighting Layout, prepared by JV Tierney and Co. Consulting Engineers
- Daylight, Sunlight and Shadow Analysis, prepared by 3D Design Bureau
- Verified View Montages and CGIs, prepared by 3D Design Bureau
- Part V proposals.

2.1.2. Revised Proposal as submitted by way of Further Information on the 09/11/2021

- Provision of a motorcycle parking space.
- Western boundary treatment revised to an 800mm low stone random rubble granite wall with 1.2m high vertical bar railings, with internal planting added to provide a soft buffer.
- Revised elevation treatment at roof level, with altered facade and roof detailing.
- Part of the roofing material replaced with a brick finish.

2.1.3. Documentation submitted includes;

- Response to Further Information Request
- Engineering Services Report
- Construction and Demolition Waste Management Plan

- Stage 1 Surface Water Audit, prepared by Punch Consulting Engineers
- Updated Construction and Environmental Management Plan, including a Noise Impact Assessment by RSK.
- Revised Site Plans, Floor Plans and Elevation Drawings
- Landscape Masterplan, Section and West Boundary Elevation Dwgs.
- Site Access Visibility Dwg.
- Site Plan Electrical Site
- Services Dwg.

3.0 Planning Authority Decision

3.1. Decision

Dún Laoghaire-Rathdown County Council GRANTED permission for the proposed development subject to 45 no. Conditions. Noted Conditions are summarised as follows:

2. The second floor of Block B shall be omitted, such that Block B consists of three floors only.
3. The development is limited to 27 residential units only.
4. Each apartment unit shall be used as a single dwelling unit only and shall not be subdivided in any manner to prevent unauthorised development.
5. Details of external finishes shall be submitted for the agreement of the Planning Authority.
6. The western boundary stone wall shall have a maximum height of 1.6 metres, and the stone wall section shall be a maximum of 0.8m high.
7. Public services, including electrical and telephone cables, shall be located underground, and provision for broadband connectivity shall be made for amenity purposes.
8. The applicant shall follow the tree felling procedure specified in Section 4.2 of their Bat Survey Report and compensate for any felled trees or interference with semi-

- mature native species by planting new trees. Bat boxes shall be erected on suitable substrates, such as trees, if available, around the site during the operational phase.
9. An apartment numbering scheme and signage shall be submitted and agreed with the planning authority for urban legibility purposes.
 10. Public lighting shall be provided and approved by the planning authority prior to the development's commencement, with a bat-friendly lighting design.
 11. A qualified Landscape Architect shall be engaged by the developer to oversee the implementation of landscape proposals, and a post-installation safety certificate shall be submitted to ensure safe playground provision.
 12. The applicant shall submit a post-installation Practical Completion Certificate to DLRCC Parks and Landscape Services in accordance with RoSPA guidelines. The certificate shall be prepared and signed by a suitably qualified technical professional with expertise in playground design and health and safety.
 13. Full details of the proposed surface water sewer diversion shall be submitted, and a CCTV survey shall be carried out once constructed, with results provided to Municipal Services.
 14. Prior to commencement, a draft wayleave agreement in favour of Dun Laoghaire-Rathdown County Council shall be submitted for the sections of proposed public surface water infrastructure.
 15. A construction management plan and program of works shall be submitted, including measures for the interception, containment, and treatment of construction runoff.
 16. Green roofs and SuDS measures shall be designed and maintained in accordance with The SUDS Manual (C753) and BS EN 12056-3:2000.
 17. The Sustainable Drainage Systems (SuDS) measures such as permeable paving, rain gardens/bioretention areas, and tree pits shall be designed according to The SUDS Manual (C753). The applicant shall submit detailed construction plans and a post-construction maintenance specification and schedule to the Planning Authority for approval before commencing development. Maintenance contractors with specialised training in SuDS care shall be employed, and the SuDS measures

shall be maintained according to the agreed schedule and specification, which should be included in the Safety File.

18. Full details of the flow control device, including model and make number, shall be submitted to the Planning Authority prior to commencement.
19. Prior to Surface Water connection to the public system, the applicant shall show that the attenuation system, including the flow control device, has been installed according to planning application plans and conditions, with photo documentation and certification, and shall facilitate an inspection from the Planning Authority.
20. The applicant shall provide at least one functional Electric Vehicle Charging Point for every ten residential units in accordance with Section 8.2.4.12 of the Dun Laoghaire Rathdown County Development Plan, 2016-2020.
21. Each 3-bed residential unit shall have one car parking space allocated, with the remaining spaces allocated to 2-bed residential units, except for 1 no. car club space, 1 no. visitor space, and 1 no. mobility impaired space. All car parking spaces, except for the car club space, visitor space, and mobility impaired space, shall be sold off in conjunction with a residential unit and shall not be sold or let separately.
22. Prior to commencement, the applicant shall contact the Planning Authority to agree on the line of the proposed development's boundary wall along Sandyford Road, for the future improvement of Sandyford Road.
23. The applicant shall provide a pedestrian access to/from the proposed development and Lamb's Brook.
24. In addition to the minimum requirement of Electric Vehicle Charging Spaces, the applicant shall provide electrical infrastructure from distribution boards/landlord switchgear to all other car parking spaces for future upgrades to Electric Vehicle Charging Spaces.
25. The applicant shall implement recommended measures resulting from the Road Safety Audit as part of the Bruton Consulting Engineers Stage 1 Road Quality Audit.

26. The applicant shall obtain a letter of consent or Road Opening License from the Planning Authority prior to the commencement of any works on the public road/domain/areas taken in charge.
27. The applicant/contractor shall implement general measures and actions outlined in the submitted Outline Construction Traffic Management Plan and Construction Management Plan, including measures to avoid conflict between construction traffic/activities and traffic/road users, to provide site access and routes for construction traffic/vehicles, to provide suitable facilities for vehicle cleansing and wheel washing on site, and to minimise/eliminate nuisance caused by noise and dust.
28. The applicant and developer shall take necessary measures to avoid conflict between construction traffic/activities and all other traffic/road users, particularly pedestrians and cyclists.
29. The applicant shall prevent any mud, dirt, debris, or building material from being carried onto or placed on the public road or adjoining properties and shall repair any damage to the public road arising from carrying out the works.
30. The developer shall reserve and construct, at their own expense, the required setback area between the existing Sandyford Road and the boundary wall and railings along Sandyford Road to protect the future road improvement scheme.
31. The applicant shall design and construct all development works, including the internal road, footpaths, and street lighting, to meet the "Taking-in-Charge" requirements of Dun Laoghaire Rathdown County Council, at their own expense and to the satisfaction of the Planning Authority.
32. All works on the public road shall be carried out at the Applicant's expense and meet Dun Laoghaire-Rathdown County Council's "Taking-in-Charge" requirements to ensure orderly development.
33. A final construction environmental management plan shall be agreed upon prior to development to reduce adverse impacts on the environment and health, control temporary emissions, and manage waste.

34. Construction hours are restricted to the hours stated in the CEMP, and activities outside of these hours require prior approval from the DLRCC planning department, to protect residential amenities.
35. Prior to site works, noise, vibration, and dust monitoring stations shall be installed and maintained to measure the impact of site activities on local receptors. Weekly technical monitoring reports shall identify remedial measures where levels exceed relevant limit values.
36. Continuous noise/vibration monitoring reports shall be made available to the Environmental Health Officers Air & Noise Unit on request.
37. A Public Liaison Plan shall be developed and implemented for the duration of the works, covering appointment of a liaison officer, keeping residents informed of progress, providing notice of complaint procedures, and maintaining a complaints log.
38. Prior to development, the applicant shall submit full details of a properly constituted Owners' Management Company, including a layout map of the permitted development and areas to be taken in charge and maintained by the company. Membership in the company is compulsory for all purchasers of property in the development to ensure satisfactory completion and maintenance in the interest of residential amenity.
39. The applicant shall comply with Part V, Section 96 of the Planning and Development Act 2000 and reach an agreement with the Council's Housing Department, or apply for an exemption certificate under Section 97. The submission shall include details of existing and development land values, construction, development, and any attributable costs associated with the development.
40. The developer shall pay €7,846.92 as a contribution towards the provision of surface water public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dun Laoghaire-Rathdown County Council on the 14th December 2015.
41. The developer shall pay €179,695.71 as a contribution towards the provision of roads public infrastructure and facilities benefiting development in the area of the

Authority, as provided for in the Development Contribution Scheme made by Dun Laoghaire-Rathdown County Council on the 14th December 2015.

42. The developer shall pay €116,645.05 as a contribution towards the provision of community and parks public infrastructure, facilities, and amenities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dun Laoghaire-Rathdown County Council on the 14th December 2015.

43. The proposer shall pay a financial contribution to the Council towards the cost of the extension of Luas Line B1 from Sandyford Depot to Cherrywood. The rate of contribution payable shall be that pertaining to the particular year in which implementation of the Planning Permission is commenced.

44. No development shall commence until security for the provision and satisfactory completion of services has been given, either by lodging an approved Insurance Company Bond or a cash sum.

45. Prior agreement, in writing, between the Applicant and the Planning Authority shall be made relating to the payment of development contributions.

3.2. Planning Authority Reports

3.2.1. First Report (19/08/2021)

- The site is subject to zoning objective A, which aims ‘to protect and/or improve residential amenity’, where residential development is permitted in principle.
- The proposed development provides 33 no. units, and the Architectural Design Statement states that the net site area measures 0.316 hectares, resulting in a net density of 103 dwellings per hectare.
- There is a 6-Year Road Proposal Objective along the western boundary of the site, along Sandyford Road and Blackglen Road.
- The proposed development comprises apartments only and does not include 5 or more houses and/or duplex units. Thereby the provisions of Circular NRUP 03/2021 'Ministerial Planning Guidelines, Regulation of Commercial Institutional

Investment in Housing', and the accompanying Guidelines for Planning Authorities entitled 'Regulation of Commercial Institutional Investment in Housing' do not apply.

- The applicant proposes to demolish the existing house and garage on site.
- The Energy Strategy and BER Report submitted by JV Tierney and Co. Consulting Engineers states that the property is in generally poor condition with poorly insulated walls and floors and damp issues.
- The existing structures do not hold any significant architectural merit or heritage value.
- Retention of the building is considered incompatible with an efficient use of the site for a housing scheme of appropriate density.
- The proposed demolition is acceptable pursuant to Section 8.2.3.4 of the County Development Plan for Additional Accommodation in Existing Built-up Areas (xiv) Demolition and Replacement Dwellings.

3.2.1.1. Site Layout

- The proposed development will be provided in 2 no. blocks ranging in height from 4-5 storeys, as follows:
- Block A comprises a 5 storey building with an overall height of 15.1m. Unit breakdown provided.
- Block B comprises a 4 storey building with an overall height of 12.5m
- In relation to the proposed setback of 6m from Sandyford Road to Block A, the Planning Authority notes the Transportation Planning Section report and agrees that additional information is needed. Specifically, the Planning Authority concurs that further details are required on the location of the future Sandyford Road upgrade works and the future boundary treatment, as these will affect the private amenity space for the ground floor units along the western facing facade of Block A and the streetscape character along Sandyford Road.
- The proposed setbacks of 2m to 4m from Block A and Block B to the northern property boundary require the removal of existing trees along this boundary.

However, the Planning Authority notes that no habitable room windows are proposed above ground floor level and due to the orientation of the Blocks, there will be no significant overshadowing that could negatively impact the development of the adjoining site to the north. As such, the Authority considers these setbacks acceptable.

- The Planning Authority has concerns about the setback of Block B, which is c.12m from the eastern boundary and located adjacent to the lower scale single and two-storey dwellings in Sandyford Downs. Despite the fact that the overall separation distance of c.23.5m is achieved at the narrowest point between opposing habitable room windows from Block B to houses within Sandyford Downs, the Authority still has concerns regarding this setback.
- The proposed transition in height of Block B to four storeys may negatively impact the visual amenity of the existing properties in Sandyford Downs. The roof design is deemed bulky and overbearing for the surrounding built-in context. Further information should be requested from the Applicant to address these concerns.
- The removal of the fourth floor from Block B could partially address this issue.
- The setbacks of c. 11m from Blocks A and B to the southern boundary have been noted.
- According to the "Daylight, Sunlight, and Shadow Analysis" submitted by the applicant, the proposed development will not have a significant impact on the daylight and sunlight amenities of adjacent properties. However, there are concerns regarding the overshadowing impact of Block B on the private open space of No. 1 Lambs Brook.
- The Planning Authority suggests that the applicant reviews the proposed layout and design to mitigate against this overshadowing impact on No. 1 Lambs Brook. The applicant will be requested to submit revised plans illustrating how this can be achieved, and a revised daylight, sunlight, and overshadowing analysis will also be requested by way of further information.
- Internally, the proposed layout has separation distances of c.18m between Block A and Block B, with an east/west orientation.

- The applicant contends that both Block A and Block B will receive adequate sunlight and daylight from their east and west facing habitable room windows.
- The applicant's contention is supported by the 'Daylight, Sunlight and Shadow Analysis', which was prepared by the 3D Design Bureau on behalf of the applicant. The analysis states that "future occupants will enjoy adequate levels of daylight within the proposed units and will have access to amenity areas that are capable of receiving excellent levels of sunlight."
- The planning authority has accepted these findings and concurs that the proposed layout creates a high-quality outcome in terms of residential amenity for future residents.

3.2.1.2. **Building Height**

- The Dun Laoghaire-Rathdown County Development Plan 2016-2021 requires Design Statements for all medium to large developments (Policy UD2) and refers to the Building Height Strategy contained in Appendix 9 (Policy UD6).
- Section 4.8 of Appendix 9 provides general height guidelines for 'Residual Suburban Areas not included within Cumulative Areas of Control', which recommends a maximum height of two storeys. However, a maximum of 3-4 storeys may be permitted in appropriate locations, such as on prominent corner sites, large redevelopment sites, or adjacent to key public transport nodes, provided they do not have a detrimental effect on existing character and residential amenity.
- The Building Height Strategy also includes 'Upward or Downward Modifiers', where a minor modification up or down in height by up to two floors could be considered.
- Upward Modifiers may be applied where the development would create urban design benefits, provide major planning gain, have civic, social, or cultural importance, the built environment or topography would permit higher development without damaging the appearance or character of an area, would contribute to the promotion of higher densities in areas with exceptional public transport accessibility, or the size of the site of, for example, 0.5Ha could set its context.

- To justify additional height in a development, it needs to meet more than one 'Upward Modifier' criteria.
- The subject site falls within the area of the Section 49 LUAS Development Contribution Scheme and is reasonably considered to be within the catchment area of the LUAS Green Line.
- The Planning Authority accepts that the subject site can meet one upward modifier criteria, which is residential development that contributes to higher densities in an area with public transport accessibility.
- However, since the proposed development fails to meet more than one criteria and considering the prevailing and emerging scale of development in the surrounding area, the Planning Authority does not find the proposed five storey height of Block A to be justifiable at the location.
- Taking into account applicable policy and the site's context, the Planning Authority considers a 4-storey building to the front of the site compliant with the building height strategy.
- The Planning Authority does not find the proposed four-storey height of Block B acceptable due to potential adverse visual and overbearing impacts on properties within Sandyford Downs and adverse overshadowing impact on No 1 Lambs Brook.
- The scheme has been assessed against the Urban Development and Building Height Guidelines (DoHPLG 2018), particularly Section 3.0 on Building Height and the Development Management Process and SPPR 3.
- Based on the assessment, the scheme does not perform as it should in terms of height, and there are no considerations in terms of wider strategic or national policy that would warrant a consideration of a breach of the County Development Plan's Building Height Strategy.
- Concerns relating to height should be raised with the applicant through a Further Information request, and a redesign of the scheme may be appropriate.

3.2.1.3. Density

- The subject site's classification for suitable density is based on housing policies outlined in Section 2.1.3 of the County Development Plan and the National guidance contained within the Apartment Guidelines 2020.
- The subject site is located within an Intermediate Urban Location, which is defined in the Apartment Guidelines 2020 as suitable for smaller-scale, higher-density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent.
- Sites within or close to principal town or suburban centres or employment locations, within reasonable walking distance (up to 10 minutes or 800-1,000m), are considered suitable for higher-density development, as well as sites within walking distance (between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops, or within reasonable walking distance (between 5-10 minutes or up to 1,000m) of high frequency urban bus services.
- The subject site is located approximately 1 km from Beacon Hospital and 1.2 km from Sandyford Business Park, a significant employment district containing over 500 companies.
- Several housing policies from the Dun Laoghaire Rathdown County Development Plan 2016-2021 are relevant for this proposed development, including 'RES3: Residential Density,' which promotes higher residential densities in the interests of promoting more sustainable development while ensuring a balance between this and protecting residential amenities and established character of areas.
- 'RES4: Existing Housing Stock and Densification' encourages the densification of existing housing stock to retain population levels, and 'RES7: Overall Housing Mix' encourages the provision of a wide variety of housing and apartment types.
- Section 8.2.3.2(ii) of the Dun Laoghaire-Rathdown Development Plan 2016-2022 sets a minimum residential density of 35 dwellings per hectare, except in exceptional circumstances.

- For areas that are readily accessible to public transport corridors such as QBCs, Luas, and DART, the government guidance is to provide densities higher than 50 dwellings per hectare.
- The subject site is within the administrative area of the Section 49 LUAS Development Contribution Scheme and is reasonably considered to be within the catchment area of the LUAS Green Line.
- Based on national and local planning policy provisions and the site's location within the catchment of the LUAS Green Line, the Planning Authority accepts that proposed residential intensification is suitable within the subject lands.
- The proposed development provides 33 no. units, resulting in a net density of 103 dwellings per hectare, based on the net site area of 0.316 ha.
- Given the existing built form and pattern of development in the area, the site's location towards the fringes of the city's built form, its proximity to the Dublin Mountains, and Circular NRUP 02/2021 indicating a more restrained approach to density at urban edges, the proposed density is considered indicative of overdevelopment at this location.
- Removing a floor from each of the blocks would result in a density of 75 dwellings per hectare.

3.2.1.4. **Impacts on Residential and Visual Amenity**

- Pursuant to Section 8.2.3.4(vii) of the Development Plan, new infill development should respect the height and massing of existing residential units and retain the physical character of the area.
- The Planning Authority has concerns regarding the proposed layout, height, and density of the development, finding that it does not fully respect the scale or massing of surrounding existing neighbours to the east and south, Sandyford Downs and Lambs Brook respectively.
- While the Planning Authority recognises the potential for the site to increase residential density and provide a high-quality development, the current proposal

represents an overdevelopment that could potentially adversely affect the residential and visual amenity of surrounding properties.

- The Planning Authority requests that the applicant review the proposed layout, scale, height, and density of the current proposal by providing further information.

3.2.1.5. Private Amenity Space

- Each apartment has been provided with a balcony or outdoor area on ground floor level.
- Based on the information submitted in the Schedule of Accommodation, all units reach and exceed the minimum requirement for private open space as set out in the Apartment Guidelines and the development plan.

3.2.1.6. Dual Aspect

- The subject scheme proposes 23 No. units which are dual aspect or 70% of the total proposed units, which is in accordance with the requirements of the Apartment Guidelines.
- The Planning Authority also notes that there are no north-facing single aspect units, with all of the single aspect apartments either being west or east-facing, which is welcomed.

3.2.1.7. Minimum Floor Areas

- The Planning Authority notes that all apartments in the proposed development meet, and in many circumstances exceed, the minimum floor areas set out in the Apartment Guidelines.

3.2.1.8. Housing Mix

- The proposed development comprises 33 No. apartments, including 10 No. 1 bed units, 20 No. 2 bed units, and 3 No. three-bedroom units, which adds choice to the available accommodation in the area.

- The Planning Authority considered the proposal to be consistent with Development Plan Policy RES7 re. apartment types and sizes.

3.2.1.9. Open Space

- The proposed development requires 215m² of communal open space in accordance with the Sustainable Urban Housing Design Standards for New Apartments Guidelines.
- The scheme also needs to provide a minimum of 316.2m² of public and/or communal open space in reference to the 10% requirement set out in the Development Plan and 832-1,110m² based on the population of the scheme.
- The proposed development includes the provision of 952m² of public and/or communal open space, which is located at ground level and equates to 30% of the overall site area.
- The open space provision exceeds the minimum requirements set out in the Development Plan and the Apartment Guidelines and is considered acceptable to the Planning Authority.

3.2.1.10. Landscape

- The applicant submitted a Landscape Design Rationale and an Arborist report.
- The existing vegetation on site requires removal to facilitate the proposed development.
- The Planning Authority accepts this proposal subject to implementation of the landscape design replanting and insertion of play areas for future residents.
- The layout of the scheme does not seek to work with the existing trees on site and incorporate them into the proposed layout, which is regrettable.

3.2.1.11. Vehicular Access, Traffic and Car Parking

- Sandyford Road is substandard in width and alignment, but the vehicular trips generated by the proposed development would have an insignificant impact on the surrounding road network, as per the Transport Planning Section report.

- Concerns about the poor-quality pedestrian and cycle environment can be addressed by ensuring the proposed development does not impinge on the 6 year road objective Sandyford Road Improvement Scheme.
- The proposed development has a shortfall of car parking, as per the Transport Planning Section report. However, the removal of one floor from each of the blocks would likely bring the scheme into compliance with requirements.

3.2.1.12. **Bat Survey Report**

- A Bat Survey Report has been prepared by Ash Ecology and Environmental in relation to the subject site.
- The report concludes that the site is considered to be of lower importance for bats due to low bat activity on the site and no bat emergence from any of the buildings/structures during the survey.
- The immediate surrounding landscape is highly urbanised with a relatively low bat suitability score assigned.
- It is concluded that the overall impact on bats from the proposed development will most likely be negligible for bats if a bat-friendly lighting design is implemented.
- The Planning Authority finds the proposed mitigation measures acceptable and requires them to be implemented by condition if planning permission is granted for the development.
- The proposed mitigation measures include a tree felling procedure and planting of semi-mature native trees to compensate for the trees removed.
- Bat boxes will be erected on suitable substrates e.g., trees around the site during the operational phase.
- A pre-demolition survey of buildings labelled 1, 2, and 3 will be undertaken to ensure no bats are present at the future time.

3.2.1.13. **Drainage**

- The Planning Authority has received a detailed report from Drainage Planning expressing concerns about the proposed roof design. The Planning Authority

shares the concerns and notes that the green roof proposal only covers 40%, whereas the Development Plan Green Roof policy requires 60% coverage.

- The applicant has proposed bioretention areas to make up for the shortfall but has not demonstrated that they can provide the required level of interception/treatment.
- The Planning Authority advises that the design of the roof form be revised to comply with DLR Green Roof policy.
- Further information may be submitted to address this issue.

3.2.1.14. **Part V**

- The Planning Authority acknowledges the findings of the Council's Housing Section report, which confirms that the proposed Part V provision meets the requirements of the Planning and Development Act 2000 (as amended).
- No further concerns or objections have been raised regarding the provision of Part V.

3.2.1.15. **Taking in charge**

- The Applicant has not provided any taking-in-charge plan or information regarding whether or not the proposed development would be taken in charge by the Council once constructed according to the Council's Taking in Charge Policy.
- The Applicant should be requested to confirm whether any part of the site is intended to be taken in charge, with particular relevance to the sliver to the front of the site affected by the Part VIII scheme.
- Clarification is needed regarding the lands affected by the proposed diverted culvert through the site, which would be subject to a wayleave arrangement post-consent if permission is granted.
- Further information is required to address these matters.

3.2.1.16. **Other Issues**

- The Environmental Health Officer recommends further information in relation to the submission of a Demolition Management Plan and further details in the Construction Management Plan.
- Lighting Layout Plan submitted. The applicant will be required, by condition, to ensure bat-friendly lighting design is utilised.

3.2.1.17. **Development Contributions**

- Should planning permission be granted, Section 48 and Section 49 contributions, as outlined under Dun Laoghaire Rathdown Development Contribution Scheme 2016-2020, will apply.

3.2.1.18. **Appropriate Assessment**

- The Appropriate Assessment Screening Report demonstrates that the proposed development will not have an adverse impact on the Natura 2000 network.
- The proposed development has been screened for AA (report on file) by the Planning Authority, and it has been determined that the development proposed would not significantly impact a Natura 2000 Site.

3.2.1.19. **EIA Screening**

- Proposed development is residential in nature and is to be built on previously developed land for one-off housing.
- No significant environmental effects are expected from the proposed development.
- No environmental impact assessment is required.
- Screening determination is not required.

3.2.2. **Further information was requested requiring the following:**

1. The Applicant is requested to provide additional detail, illustrating on plan the interface with the future Sandyford Road 'Part 8' upgrade works, to ensure sufficient setback between the proposed apartments and the future road frontage.

The Applicant is requested to submit revised/additional drawings/details, including an elevation drawing, showing the proposed pedestrian/cycle access and proposed boundary treatments to all boundaries. The applicant should note that the planning authority is not in favour of the principle of the indicated 800mm wall and 1200mm railing to Sandford Road in terms of its impact on the public domain.

2. The planning authority has significant concerns about the proposed height of each of the blocks both in terms of compliance with the County Development Plan's Building Height Strategy and compliance with Section 8.2.3.3(iv) of the County Development Plan in terms of setbacks to adjacent properties and consequent overshadowing and overbearing. Notably, the 22m setback requirement only applies up to 3 storeys. The applicant is asked to address these concerns.
3. (a) The Applicant is requested to submit drawings indicating any parts of the site that are proposed to be taken in charge. Particular regard should be had to the setback area to the front of the site. Note to applicant: In addressing item 2 above in relation to height and setbacks, Item 25 below in relation to the quantum of car parking relative to the number of units, and items 9-11 below in relation to surface water attenuation and the council's 'green roof' policy, initial analysis would indicate that removal of the top floor from each of the blocks may form part of one solution to these issues. If this is pursued, the applicant is encouraged to maintain the proportion of 1/2/3 bed units within the scheme as currently proposed. 3. (b) The Applicant shall provide a wayleave for the full route of the culvert.
4. The applicant has used incorrect data in calculating the discharge rate for the site and unacceptable reduced run-off rates. The discharge rate for the site must be limited to Q_{bar} (calculated using site specific data) or 2l/s/ha, whichever is greater, subject to the orifice size of the flow control device not being less than 50mm in diameter. The applicant is requested to recalculate their discharge rate using site specific or local data, such as SAAR, Soil Type, Rainfall Return Period Table (available from MET Eireann), rainfall intensity and other hydrological parameters. The applicant is also requested to recalculate the attenuation volume using the revised discharge rate. This may lead to an increase in attenuation storage volume requested. The applicant should note that Q_{bar} is calculated for the NET area drained not the GROSS area of the site (i.e., red line boundary), any landscaped

areas that will not contribute to the surface water system should be excluded from discharge and attenuation volume calculations.

5. The applicant is requested to submit the complete Site Investigation Report and results, including Infiltration tests, and a plan showing the trial pits/soakaway test locations across the site. The report should address instances where groundwater, if any, was encountered during testing and its impact.
6. Although the capacity check for the diverted culvert has been demonstrated incorrectly, the slight reduction in capacity is acceptable in this instance. Due to the open watercourse upstream of this development, the applicant is requested to demonstrate how they will mitigate sediment build-up in the diverted culvert.
7. The applicant is requested to submit a proposal that shows all hardstanding areas as permeable.
8. The applicant is requested to submit long-sections of the surface water drainage system, clearly labelling cover levels, invert levels, pipe gradients and pipe diameters.
9. It is noted that the green roof proposal is only 40%, which is significantly less than the 60% coverage required by the DLR Green Roof policy. The applicant has proposed bioretention areas to meet the interception/treatment requirements of this shortfall. The applicant has not demonstrated that these bioretention areas can provide the required level of interception/treatment. The applicant is requested to submit full details and calculations of each bio-retention system ensuring it can provide adequate interception for the roof run-off.
10. The applicant has stated that 100% of the flat roof is to be green roof, however, there appear to be PV panels proposed in the same area. The applicant is requested to confirm that these are compatible with each other and no reduction in green roof coverage is proposed as a result of PV panel provision.
11. The applicant is requested to provide details of maintenance access to the green roofs and should note that, in the absence of a stairwell type access to the roof, provision should be made for alternative maintenance and access arrangements such as external mobile access that will be centrally managed.

12. The Proposed Surface Water Drainage drawing shows the roof drainage connecting directly to the surface water system which would allow run-off to bypass the attenuation system and bioretention areas which is not acceptable. The applicant has also proposed to use fill beneath the attenuation system for their interception/treatment of run-off from the site which is also not acceptable. The applicant is requested to show the options being proposed for interception and treatment with contributing areas on a drawing together with an accompanying text and tabular submission showing the calculations, to demonstrate that the entire site is in compliance with GDSDS requirements. The applicant should note that over-provision in one location does not compensate for under provision elsewhere.
13. The applicant has proposed SuDS measures that incorporate the use of infiltration, the applicant is requested to provide details of each SuDS measure and confirm whether it will be lined/tanked or not. If lined/tanked systems are to be used, then the applicant will be requested to explain the rationale behind this. If unlined systems are to be used then the applicant is requested to demonstrate on a drawing that all infiltration SuDS proposals, including the attenuation system, have a 5m separation distance from building foundations and 3m separation from site boundaries.
14. The applicant is requested to submit supporting standard details, including cross-sections and long-sections, and commentary that demonstrates that all proposed SuDS measures have been designed in accordance with the recommendations of CIRIA C753 (The SuDS manual).
15. The applicant has shown a flow control device with a bypass door which is not acceptable. The applicant is requested to provide a penstock in the flow control device chamber and ensure that the flow control device provided does not have a bypass door. The applicant shall also clarify whether a silt trap is being provided in the flow control device chamber and if not to make provision for same.
16. The applicant has submitted standard details for the attenuation system but not indicated what the actual depth of cover will be, the applicant is requested to provide fully dimensioned plans and sections of the attenuation storage system. All relevant inlet and outlet levels, dimensioned clearances between other utilities, and actual depths of cover to the tank shall be provided. The applicant shall include

confirmation from the chosen manufacturer of the storage system that the specific model chosen, with the depth of cover being provided, has the requested load bearing capacity to support the loading that may imposed upon it.

17. The applicant is requested to confirm that a utilities clash check has been carried out ensuring all utilities' vertical and horizontal separation distances can be provided throughout the scheme. The applicant should demonstrate this with cross-sections at critical locations such as junctions, site thresholds and connection points to public utilities. Minimum separation distances shall be in accordance with applicable Codes of Practice.
18. The Stormwater Audit provided is not based on the current site design. The audit must be resubmitted based on the latest proposed design. In accordance with the Stormwater Audit policy, the audit shall be forwarded to DLRCC prior to lodging the further information response to this application. All recommendations shall be complied with, unless agreed in writing otherwise with DLRCC. Site Specific Flood Risk Assessment
19. The applicant has shown overland flows directed to the southwest corner of the site. The overland flow route plan should identify drop kerbs or ramps requested for channelling the flow, should address low point areas in the site and should detail how properties, both within the development and on adjacent lands, will be protected in the event of excessive overland flows. The applicant is requested to comment on how these flows will be prevented from impacting third party lands.'
20. A detailed demolition management plan to include management of waste from the proposed demolition works to comply with the provisions of the Waste Management Act 1996 and associated Regulations. Waste receiving facilities from the demolition and construction phase, must have a waste permit granted by the local authority under Waste Management Regulations. This demolition management plan must include proposed measures to minimise/eliminate nuisance caused by noise and dust.
21. A more detailed construction management plan to reduce any adverse impacts from construction on the environment and health and control any temporary emissions during the construction phase to prevent nuisance or adverse health effects. The plan should take into account the following: waste management, staff

welfare facilities, pest control management, dust impacts, excessive noise, emissions to surface and / or ground water.

22. The CEMP must include a detailed noise action plan for the construction phase of the proposed project. The noise action plan shall be supported by a baseline noise survey carried out by a qualified technician. The report shall include predicted effects of environmental noise on future residents, effects of construction noise on existing residents and the effects of noise from units such as electrical substations/heat pumps/fans etc. on existing residents. Transportation
23. The Applicant is requested to submit a detailed electronic drawing of the proposed development, in DWG format to ITM coordinates, with the correct set back line of the proposed new boundary wall (800mm Brick wall to match building with 1.2m railings) complying with the land take line from the site for Phase 2 previously provided by the Planning Authority (Transportation Planning / Roads Projects Office).
24. The Applicant is requested to submit revised/additional drawings/details, including an elevation drawing, showing the proposed vehicular access / proposed boundary treatment to Lamb's Brook public domain, and confirming details of any proposed pedestrian access via Lamb's Brook, which Transportation Planning consider should be provided as part of the proposed development. The proposed boundary treatment shall provide adequate setback from the proposed vehicular access / trafficked carriageway to provide good visibility between Lamb's Brook and the proposed development for entering vehicles, and vice versa for exiting vehicles.
25. The Applicant is requested to submit revised/additional drawings/details showing the provision of off-street car parking in accordance with a reduced car parking standard of 1 No. off-street car parking space per 1/2-bed residential apartment unit, and 2 No. off-street car parking spaces per 3-bed residential apartment unit, plus an additional 1 in 10 off-street car parking spaces, to include for all parking types, being either resident/visitor/mobility impaired/car share parking spaces, and/or a reduction in the proposed No. of residential units in order to comply with this reduced standard.
26. The Applicant is requested to confirm that, in addition to the provision of 10% of car parking spaces as Electric Vehicle Charging Spaces in accordance with the

minimum requirement of Section 8.2.4.12, electrical infrastructure shall also be provided from distribution boards to all other car parking spaces to allow their future upgrade to Electric Vehicle Charging Spaces.

27. The Applicant is requested to submit revised/additional drawings/details showing the provision of motorcycle parking spaces in accordance with the minimum requirements of Section 8.2.4.8 Motorcycle Parking of the current County Development Plan 2016-20.

3.2.3. **Second Report (03/12/2021)**

3.2.3.1. **Re. Item No. 1**

Applicant response

- The western boundary wall has been set back adequately to allow for future Sandyford Road upgrade works.
- An electronic drawing has been submitted, which shows the overlay of the scheme and the CPO boundary line.
- The western boundary treatment has been revised to a low stone random rubble granite wall (changed from brick) with 1.2m high vertical bar railings, with internal planting providing a soft buffer.
- The stone wall and low railing has been chosen to tie in with boundary treatment of the proximate developments in the area.
- An elevational drawing of the western boundary interface is provided in Drawing 20502-1-202.
- The Parks and Roads Departments were engaged to determine if there was a preferred boundary treatment, but both advised they didn't have one.
- The applicant is happy to accept a condition in regard to the planning authority's preferred boundary treatment, if there is one.

Assessment

- The additional detail, illustrating on plan the interface with the future Sandyford Road 'Part 8' upgrade works, to ensure sufficient setback between the proposed apartments and the future road frontage is welcomed.
- The revision of the western boundary treatment to an 800mm high stone random rubble granite wall is appropriate for the site context and is acceptable.
- The proposed 1.2m high vertical bar railing may not facilitate a meaningful connection with the public realm, and an overall height for wall plus railing of 1.6m could be achieved by way of condition in the case of a grant of permission.
- The revised elevation drawing, showing the proposed pedestrian/cycle access, is acceptable.
- If the planning authority is minded granting permission following the receipt of the response to the request for Clarification of Further Information, this matter could be addressed by way of condition.

3.2.3.2. **Re. Item No. 2**

Applicant Response

- **Setbacks:** The applicant contends that the setbacks are more than adequate and refers to a similar development approved by An Bord Pleanála with a separation distance of 18m between six-storey blocks. The applicant states that the subject scheme provides a minimum setback of 12.5m from the party boundary, resulting in a total separation distance of 5.5m in excess of the 18m considered appropriate at Golf Lane (approx. 1.3 km from the subject site).
- **Daylight/Sunlight report:** The applicant highlights that the report demonstrates there are no material impacts arising from the proposed development and the current separation distances.
- **Building Height:** The applicant submitted an extensive response on building height, contending that 4 and 5 storeys onto Sandyford Road cannot be considered excessive, particularly given national planning policy.
- The applicant provides examples of other sites where similar heights were approved, including the Whinsfield development on Sandyford Road and the St. Paul's College SHD. They also refer to the Building Height Guidelines and the

objective of significantly increasing building heights and overall density of developments.

- The applicant contends that the subject site is a core urban location, and that increased height can improve the public realm. They also refer to the potential for upward modifiers due to the site's size and location in the urban area.
- The applicant notes that there will be a difference of scale between the existing two-storey dwellings and any future development as a result of national and regional policy.
- The applicant refers to several other examples of increased building heights being introduced in traditionally low-density areas without being considered overdevelopment or overbearing.
- The applicant emphasises that there is a presumption in favour of increased building heights in town/city cores and other urban locations with good transport accessibility. While acknowledging that increased heights will influence the character of the area, they contend that a degree of change must be expected.
- Overshadowing: The applicant has stated that shadow diagrams should not be used for a quantitative assessment and that they are only used to provide context regarding the site's orientation.
- The applicant has included an assessment of the amenity space of no. 1 Lamb's Brook to support their response. The applicant refers to the BRE study and states that the proposed development will not have an impact on the area of the garden that is capable of receiving 2 hours of sunlight on March 21st. The lack of impact on sunlight to no. 1 Lamb's Brook is due to the fact that no part of the proposed development is located to the south of this garden.
- Potential design Amendment: In response to the planning authority's concern that the roof appears bulky, the applicant has submitted an option for consideration. This design amendment proposes to replace part of the roofing material with a brick finish to create a more traditional eaves and eliminate the perceived bulky element at roof level. The applicant has submitted two 3D images of these proposed changes.

Assessment

- **Overshadowing:** It is accepted that the outdoor space of no. 1 Lamb's Brook would receive the minimum required 2 hours of sunlight on March 21st in accordance with the BRE criteria for overshadowing assessment. The applicant's submission on this point is accepted.
- **Setbacks and Proposed Design Amendments:** The proposed setback of c. 12.5 meters from the eastern boundary of Block B would be adjacent to lower scale single and two-storey dwellings in Sandyford Downs. While the overall separation distance of c. 23.5 meters is achieved at the narrowest point between opposing habitable room windows from Block B to houses within Sandyford Downs, the roof design is considered bulky and overbearing in this context.
- **Omitting a floor from Block B to address the overbearing height concern is not favoured by the applicant.**
- **The proposed roof design option submitted by the applicant for consideration would result in a slightly more traditional roof/eaves design treatment for the proposal. However, the planning authority does not consider this design option significant in terms of the overbearing and height concerns of the proposal. The proposed design option would marginally improve the visual appearance of the proposed roof, but it would not be sufficient to mitigate the impact of the bulk and height of the proposed blocks. The planning authority considers the proposed four-storey height of Block B excessive, and it would have an overbearing impact on the residential amenities to the east as a result of the bulk impact of the proposed four-storey height.**
- **The planning authority is not in favour of the proposed design option as a means of dealing with the excessive height of Block B in relation to its overbearing impact to the east.**
- **Building Height:** The proposed building height does not meet the performance criteria in relation to the four Development Management Criteria, according to the original planning assessment. The proposed design option presented by way of Further Information does not change this assessment given its lack of significant impact on the visual appearance of the proposed Block B.
- **The site is located in a Residual Suburban Area as defined in the Development Plan Building Height Strategy, and where increased height of up to 3 to 4 storeys**

is applicable, this is only where there is "no detrimental effect on existing character and residential amenity." The proposed development does not meet this criterion. While the site meets one upward modifier in terms of the Building Height Strategy, the planning authority favours omitting the second floor of Block B to reduce the height and its associated impact.

- The omission of the proposed second floor of Block B would result in the omission of six apartment units in total. This change would alter the unit mix of the proposed development to comply with Policy Res7 and Section 8.2.3 of the Development Plan. The density of the proposal would be 85 units per hectare, which is significantly above the minimum 45 units per hectare for such intermediate urban areas per national guidance (Design Standards for New Apartments 2020).
- The reduction in six residential units to a total of 27 units while retaining the proposed 26 no. car spaces would result in an average of 0.96 spaces per dwelling, which is acceptable in this accessible location.
- The concerns of the planning authority in relation to the excessive height of Block B can be addressed by conditions where appropriate. If the planning authority is minded granting permission following the receipt of the response to the request for Clarification of Further Information, this matter could be addressed by way of condition.

3.2.3.3. **Re. Item No. 3**

Applicant response

- The applicant has provided Drawing no. TPT-HKR-XX-XX-A-0004 entitled Proposed Taken in Charge Plan, which shows that only the area in front of the boundary wall onto Sandyford Road is proposed to be taken in charge. This area will facilitate the upgrade of the road.
- The applicant has agreed to a wayleave of 8 meters with Dun Laoghaire-Rathdown County Council for the full route of the culvert through the subject site. The wayleave is shown on the relevant engineering drawings, specifically GDCL Drawing no. P2010-C-101.

Assessment

- The planning authority accepts the applicant's proposal for the area in front of the boundary wall onto Sandyford Road to be taken in charge to facilitate the upgrading of the road and for the remainder of the site not to be taken in charge.
- The planning authority considers that the wayleave for the culvert can be facilitated, and if the planning authority is minded granting permission following the receipt of the response to the request for Clarification of Further Information, this matter could be addressed by way of condition.

3.2.3.4. **Re. Item No. 4**

Applicant Response

- GDCL Consulting Engineers have provided an itemised breakdown for the various site catchment areas and updated Site Discharge calculations in the revised Engineering Services Report.
- The orifice size has been set at a minimum of 50mm diameter, resulting in a discharge rate of 11/sec, where applicable.
- Updated attenuation calculations have been based on the revised discharge rate.
- Landscaped areas have been considered as contributing and included in the site discharge calculations due to the current site gradients and falls.
- A coefficient matching the soil classification factor has been applied to landscaped areas and reflected on the site discharge calculations.
- The planning authority advises referring to Appendix B of the updated GDCL Engineering Services Report for the updated attenuation calculations.

Assessment

- The Drainage Planning Section report notes that the applicant has not addressed Item 4, which refers to unacceptable reduced run-off rates in the calculations that may lead to undersizing of the attenuation system. Drainage Planning Section has recommended Clarification of Further Information in this regard.
- The Planning Authority recommends that this issue is addressed by way of Clarification of Further Information.

3.2.3.5. **Re. Item No. 5**

Applicant Response

- The Site Investigation Report and results have been appended in the updated Engineering Services Report (Appendix H) prepared by GDCL.
- Infiltration rates arising from the Site Investigation Report have been applied to the attenuation calculations.
- The Planning Authority advises referring to the package of information submitted by GDCL Consulting Engineers for the full response to this item.

Assessment

- The Drainage Dept. advises that applicant has not adequately addressed Item 5.
- The site investigations conducted by the applicant were limited, with only one trial pit undertaken.
- The Drainage Department recommended Clarification of Further Information to address the issue of limited site investigations.
- It is recommended that the issue of inadequate site investigations be addressed by way of Clarification of Further Information.

3.2.3.6. **Re. Item No. 6**

Applicant Response

- A 'Smart Manhole' will be fitted immediately upstream of the proposed connection to the diverted culvert.
- The 'Smart Manhole' will include a weir wall set at the 100-year flood event top water level (115.68m), a non-return flap valve to prevent surcharging into the proposed surface water network, and a 450mm deep silt trap to prevent sediment from discharging to the diverted culvert.
- The details of the proposed 'Smart Hydrobrake Manhole' are provided on GDCL Drawing no. P2010-C-111.

Assessment

- Regard is had to the report submitted by Drainage Planning which notes that the item has been satisfactorily addressed.
- The applicant has addressed item 6 of the request.

3.2.3.7. **Re. Item No. 7**

Applicant Response

- The updated drawing indicates permeable paving to footpath areas, permeable paving to carparking areas, and porous asphalt to roadways.

Assessment

- Regard is had to the Drainage Planning report which notes that Item No. 7 has been satisfactorily addressed.
- The applicant has addressed item 7 of the Further Information request.

3.2.3.8. **Re. Item No. 8**

Applicant Response

- The GDCL Drawing No. P2010-C-109, displays long sections for the proposed surface water sewers and indicates cover levels, invert levels, pipe gradients, and diameters of the proposed surface water network.

Assessment

- Regard is had to the Drainage Planning report, which notes that item has been satisfactorily addressed.
- The applicant has addressed item 8 of the Further Information request.

3.2.3.9. **Re. Item No. 9**

Applicant Response

- The Engineering Services Report by GDCL has been updated.
- The report includes a detailed breakdown of the roof areas and the applicable bio-retention area, storage volume, interception volume, and treatment volume.
- Section 2 of the report provides relevant information regarding these aspects.

- GDCL Drawing No. P2010-C-11 contains details of the roof gardens.
- GDCL Drawing No. P2010-C-101 has been updated to show the proposed locations of the roof gardens for each of the two residential blocks.
- Appendix M in the Engineering Services Report contains the attenuation calculations for the proposed soakaways that serve each block.

Assessment

- The Drainage Planning report highlights that the applicant has not sufficiently addressed Item 9.
- The proposed location of two rain gardens adjacent to areas designated as Taken In Charge is a matter of concern.
- Drainage Planning recommended seeking Clarification of Further Information specifically related to this issue.
- The applicant is requested to address this issue by way of clarification of further information.

3.2.3.10. **Re. Item No. 10**

Applicant Response

- The proposed development includes the use of a Bauder Bio Solar Green Roof System, which combines green roofs and solar PV.
- The solar modules are positioned above the substrate and angled at 10 degrees to maximize solar energy production and green roof area.
- The PV system is elevated above the green roof and uses the green roof substrate as ballast, eliminating the need for penetrating the waterproofing for securing the mounting units.
- The entire roof area can be considered a biodiverse green roof due to the PV system's design.
- The PV panels are set at approximately 300mm above the substrate level to prevent shading from the vegetation, maintain panel efficiency, and facilitate green roof maintenance.

- The elevated position of the PV panels allows for sufficient moisture and light to infiltrate beneath the modules, supporting different plant species and enhancing biodiversity.
- A manufacturer's data sheet demonstrating the functionality of the proposed system has been included as Appendix J in the updated Engineering Services Report by GDCL.

Assessment

- Drainage Planning's report highlights that the applicant has not adequately addressed Item 10, which pertains to obtaining confirmation from the Fire Officer regarding the acceptability of the proposed PV/green roof panels.
- Clarification of Further Information is necessary to address this concern.

3.2.3.11. Re. Item No. 11

Applicant Response

- The flat roof areas are accessed infrequently for various purposes such as inspection, maintenance, and cleaning.
- Access to these areas is facilitated by a rooftop access hatch located above the main staircase.
- A 'mansafe' system will be installed to ensure safe access to the roof areas.
- The roofs will require maintenance twice a year, including:
 - Drainage maintenance.
 - Removal of debris and dead vegetation from the roof surface.
 - Weeding and removal of grass and saplings.
 - Sowing additional sprouts to repair patches of poor growth.
 - Clearing and cleaning the perimeter and surrounding areas.
 - Application of slow-release fertilizer as needed.
 - Maintenance of photovoltaic panels.

- Areas of the roof that are beyond the reach of the 'mansafe' system are not intended for access.
- Access to these areas will require the use of mobile access platforms or, for major maintenance, the erection of scaffolding.
- In the case of accessing these areas, the building manager must prepare an access statement.
- Referring to Drawing No. TPT-HKR-XX-XX-A-1005_Roof Plan provides a visual representation of the two blocks and the layout of the roofs.

Assessment

- The report submitted by Drainage Planning acknowledges that the access details for the green roof may be subject to change depending on the submissions for CFI items.
- The applicant has satisfactorily addressed the access details for the green roof as per the requirements outlined in item 11 of the Further Information request.

3.2.3.12. **Re. Item No. 12**

Applicant Response

- GDCL Drawing No. P2010-C-101 has been updated. The drawing shows the roof areas that discharge to the proposed attenuation system or rain garden areas for each block.
- The Engineering Services Report has been updated. It includes a detailed table breaking down the contributing catchment areas. The table also provides information on applicable interception and treatment storage volumes and relevant calculations. Section 2.2 and 2.3 of the report provides more information.
- The Environmental Services Report, Appendix K, Item 2 sets out the rationale confirming that the stone below a StormTech Attenuation system can be utilized as interception and treatment storage.

Assessment

- Drainage Planning Section report acknowledges the applicant has adequately addressed Item 12.

- The applicant has addressed Item 12 of the Further Information request.

3.2.3.13. **Re. Item No. 13**

Applicant Response

- The water table is located approximately 1cm below the existing ground level as stated in the Soil Infiltration Test Report appended to Appendix H of the Engineering Services Report prepared by GDCL.
- Due to the high water table, it is not possible to achieve a one-meter separation between the lowest point of the Sustainable Drainage System (SuDS) measures and the water table.
- To address this issue, it is proposed that all SuDS measures be constructed as lined/tanked SuDS measures.
- The lined/tanked SuDS measures will be equipped with high-level overflows to discharge excess water back into the surface water system.
- The Engineering Services Report has been updated and now includes a detailed tabulated breakdown of individual SuDS measures, including their interception and treatment storage volumes.
- Section 2 of the Engineering Services Report provides further information regarding the specific details of these SuDS measures.

Assessment

- Drainage Planning report acknowledges that the specific item has been satisfactorily addressed by the applicant. The Drainage Department highlights the need for additional site investigations.
- The Planning Authority concludes that the applicant has successfully addressed Item 13 of the Further Information request.

3.2.3.14. **Re. Item No. 14**

Applicant Response

- GDCL Drawing No. P2010-C-112 provides details of the SuDS proposals, inclusive of their associated cross-sections and long sections where applicable.

- The SuDS proposals have been annotated as required to indicate compliance with the SUDS manual.

Assessment

- Regard is had to the report submitted by Drainage Planning, which notes that the item has been satisfactorily addressed.
- The applicant has addressed Item 14 of the Further Information request.

3.2.3.15. **Re. Item No. 15**

Applicant Response

- GDCL Drawing No. P2010-C-111 has been updated to include a flow control device with fitted penstock and a silt trap. As requested, the bypass door has been omitted.

Assessment

- Regard is had to the Drainage Planning report, which notes that the item has been satisfactorily addressed.
- The applicant has addressed Item 15 of the Further Information request.

3.2.3.16. **Re. Item No. 16**

Applicant Response

- GDCL Drawing No. P2010-C-112 provides details of the underground attenuation facility, volume provided, cover levels, invert levels, type of crate system, loading criteria etc.
- Appendix K of the Engineering Services Report has been updated to reflect the specification sheet from Resolute Group, Specialist provider of Storm Tech Attenuation Systems in Ireland.
- The specification sheet is site-specific and confirms that the attenuation system proposed is appropriate.

Assessment

- Regard is had to the Drainage Planning report, which notes that the item has been satisfactorily addressed.
- The applicant has addressed Item 16 of the Further Information Request.

3.2.3.17. **Re. Item No. 17**

Applicant Response

- A utility services clash review was conducted by JV Tierney and Greg Daly Consulting Engineers to assess the adequacy of space and separation distances for ducts and pipes.
- The review utilised drawing '4210-JVT-oo-oo-DR-E-6001' prepared by JV Tierney, which includes Section 1 and Section 2 highlighting two critical coordination points on the site.
- The assessment confirms that there is sufficient space and appropriate separation distances as per the relevant codes of practice.

Assessment

- Regard is had to the Drainage Planning report, which notes that the item has been satisfactorily addressed.
- The applicant has addressed Item 17 of the Further Information request.

3.2.3.18. **Re. Item No. 18**

Applicant Response

- An updated Stormwater Audit by PUNCH Consulting Engineers based on the current design proposals was resubmitted and circulated to DLRCC by PUNCH Consulting Engineers prior to the further information response submission.
- The Stormwater Audit carried out by PUNCH Consulting Engineers has been submitted.
- PUNCH Consulting Engineers have indicated that they are satisfied with GDCL's design.

Assessment

- Regard is had to the report submitted by Drainage Planning which notes that item has been satisfactorily addressed.
- The applicant has addressed Item 18 of the Further Information request.

3.2.3.19. Re. Item No. 19

Applicant Response

- GDCL Drawing P2010-C-107 has been updated to include revised road levels, a ramp and dropped kerb locations, clearly indicating overland flow routes.
- Given that the existing undeveloped site falls from southwest to northeast, proposed site levels have been revised to generally retain the existing overland flood route direction.

Assessment

- Regard is had to the Drainage Planning report, which notes that the applicant has not adequately addressed Item 19. This relates to boundary treatment sections adjacent to the overland flow route and how overland flows will be prevented from impacting third-party lands.
- Drainage Planning Dept. has recommended Clarification of Further Information in this regard.
- It is recommended that this is addressed by way of Clarification of Further Information.

3.2.3.20. Re. Item No. 20

Applicant Response

- Referred to GDCL Report No. P2010-C-004 entitled Construction & Demolition Waste Management Plan submitted.

Assessment

- The applicant's Construction and Demolition Waste Management Plan outline report states that the work will comply with the BS Code of Practice for Demolition B56187.

- The report is in line with the 'Best Practice Guidelines on the Preparation of Waste Management Plans for C&D Projects' by DoEHLG in 2006.
- According to the report, all waste materials will be disposed of offsite, following the appropriate Duty of Care and subject to approvals/consents from relevant statutory bodies.
- The Environmental Health Officer has raised no further concerns, given that necessary measures are taken to contain noise, dust, and airborne pollutants from the site and prevent nuisance to the local residents.
- The submitted documentation is deemed acceptable, and it is considered that the applicant has addressed Item 20 of the Further Information request.
- If the Planning Authority is inclined to grant permission after receiving a response to the request for Clarification of Further Information, this matter could be addressed through the inclusion of a condition.

3.2.3.21. **Re. Item No. 21**

Applicant Response

- Referred to the updated Construction and Environmental Management Plan, prepared by AWN.

Assessment

- The Construction and Environmental Management Plan addresses various aspects such as impacts on nearby residences, site working hours, traffic queuing, site hoarding and fencing, construction lighting, air quality, ecology, noise and vibration, waste management, and surface water management.
- A final Construction Management Plan must be agreed upon with the Planning Authority.
- The Environmental Health Officer's report recommends including two conditions regarding working hours.
- It is recommended that the 3 no. conditions proposed by the Environmental Health Officer be included if planning permission is granted.

- The submitted documentation is considered acceptable and is deemed to have addressed Item 21 of the Further Information request.
- If the Planning Authority intends to grant permission after receiving the response to the request for Clarification of Further Information, this matter could be addressed through a condition.

3.2.3.22. **Re. Item No. 22**

Applicant Response

- Referred to the Noise Impact Assessment prepared by RSK attached as Appendix A to the CEMP prepared by AWN.

Assessment

- The applicant's Construction and Environmental Management Plan includes measures to control noise impacts for nearby residences.
- The Environmental Health Officer's Report emphasises that working hours on the site should be subject to planning permission and conditions.
- Noise levels will be monitored and regulated through conditions.
- A final Construction Management Plan must be agreed upon with the Planning Authority in advance.
- The Environmental Health Officer recommends including 2 no. conditions related to working hours.
- If planning permission is granted, it is recommended to include the 3 no. conditions proposed by the Environmental Health Officer.
- The submitted documentation is deemed acceptable, and the applicant has addressed Item 22 of the Further Information request.
- If the Planning Authority intends to grant permission after receiving the response to the request for Clarification of Further Information, this matter can be addressed through a condition.

3.2.3.23. **Re. Item No. 23**

Applicant Response

- Referred to submitted CD disk comprising a DWG drawing prepared by CSR Landscape Architects.

Assessment

- The Transportation Department Section has reviewed the application and confirmed that the proposed development is in compliance with the road reservation line.
- The setback line of the proposed boundary wall meets the required standards and is deemed acceptable.
- If planning permission is granted, appropriate conditions can be imposed to ensure compliance.
- The submitted documentation is satisfactory, and it is acknowledged that the applicant has adequately addressed Item 23 of the Further Information request.

3.2.3.24. Re. Item No. 24

Applicant Response

- A new pedestrian access is proposed from Lamb's Brook, situated east of the vehicular access.
- In-situ concrete panels are proposed within the development site, also located east of the vehicular access.
- The concrete panels will serve as a connection between the development site's 'homezone area' to the north and the existing footway on Lamb's Brook to the south.
- The existing brick boundary wall will be removed to facilitate this pedestrian connection.
- Reference to CSR Landscape Architects Drawing No. 20502-1-202 is provided for the western boundary elevation.

Assessment

- Adequate setback from the proposed vehicular carriageway is provided, ensuring good visibility between Lamb's Brook and the proposed development.
- The applicant has submitted detailed landscape plans demonstrating the functionality and integration of the pedestrian connection with the footpath on Lamb's Brook.
- The submitted documentation is deemed acceptable.
- The applicant has successfully addressed item 24 of the Further Information request.

3.2.3.25. **Re. Item No. 25**

Applicant Response

Parking Provision:

- The proposed development aims to maintain the level of parking as stated in the Traffic and Transport Assessment during the application stage.
- The plan includes a total of 26 parking spaces, which consist of 1 visitor space, 1 mobility impaired space, 1 car club space, and 3 electric vehicle charging spaces.
- Parking spaces will be allocated to each of the 3 three-bedroom units and 85% of the two-bedroom units (17 spaces), while no parking spaces will be allocated to the 1-bedroom units.
- The justification for providing 0.80 car parking spaces per residential dwelling is presented, demonstrating sufficiency to meet the anticipated demand of future residents.

Proximity to Local Facilities:

- The subject site is conveniently located within a 250-meter walking distance of various local facilities, such as a convenience store, butchers, vets, hair and beauty salon, and Sandyford Community Centre.
- Sandyford Village, which offers additional amenities like a church, pharmacy, surgery, hair salon, small retail shops, cafes, restaurants, and takeaway facilities, is within a 750-meter walking distance.

- Dundrum Town Centre, a commercial and retail hub, can be reached by a 10-minute cycle ride from the site.

Proximity to Public Transport:

- Bus stops on Sandyford Road, just a 3-minute walk from the site, provide connections to Dundrum and Dublin City Centre. Future bus network proposals will enhance the services, offering frequent public transport with a bus available every 12 minutes.
- Glencairn Station, the closest Luas station, can be reached by a 22-minute walk or a 7-minute cycle, providing access to light rail services towards Dublin City and Cherrywood.
- The proposed 86 and L33 bus services will offer a direct route to Sandyford Business Park and Stillorgan Luas station.

Nature of the Development:

- The development primarily consists of residential use, presenting an opportunity to promote sustainable travel and modal shift among future occupants through the implementation of a Mobility Management Plan.

Mix of Land Uses Surrounding the Development:

- Beacon Hospital and Sandyford Business Park, a significant employment district housing over 500 companies, are approximately 1.5km away (1km as the crow flies) from the site, within walking and cycling distance.
- The site is situated in a residential area with various nearby land uses, providing adequate walking and cycling facilities that reduce the need for private car use.
- A primary school is approximately 350m away, while a secondary school is approximately 800m away from the site.

Implementation of a Mobility Management Plan:

- A Mobility Management Plan will be established before the residential development becomes operational. This plan will outline measures to encourage sustainable travel among future residents and reduce reliance on private cars.

Other Circumstances:

- The vicinity of the site already features walking and cycling facilities, ensuring safe travel for pedestrians and cyclists. Pedestrian footpaths connect the site to local amenities, Dundrum town centre, and nearby Dublin Bus and Luas stops.
- Existing and proposed sustainable travel facilities further promote sustainable modes of transportation and reduce the necessity for private vehicle ownership.
- The provision of 1 GoCar space on-site reduces the need for car ownership, potentially replacing 10-25 private cars. This contributes to a total notional parking ratio of 1.1 spaces per unit.
- A Car Parking Management Plan will be implemented to allocate and manage parking on-site. Measures like clamping and car registration checks will be employed to prevent overspill parking on local roads and within the development. Monitoring will be conducted to address any potential overspill parking onto Lamb's Brook, and appropriate parking controls will be implemented if necessary.
- The proposed parking provision on-site exceeds the 2016 car ownership data levels of the electoral district.
- High levels of visitor and resident cycling parking is proposed on site, above the required guidelines within the Design Standards for New Apartments, Guidelines for Planning Authorities 2020.

Assessment

- The applicant proposes a total of 26 parking spaces.
- The proposed parking spaces include 1 visitor space, 1 mobility impaired space, and 3 electric vehicle charging spaces.
- The Transportation Department Section maintains their opinion that the provision of only 26 parking spaces for a 33-apartment development is insufficient and unacceptable.
- The concerns raised by the Transportation Department can be addressed by removing the second floor from Block B, reducing the number of residential units to 27, while retaining the proposed 26 no. parking spaces.

- The resulting average of 0.96 spaces per dwelling is considered acceptable in this location within the Luas catchment area and complies with relevant car parking standards.
- The provision of a car club space is noted and conditions for car parking can be included if permission is granted.
- The submitted documentation is acceptable, and it is considered that the applicant has addressed Item 25 of the Further Information request.

Re. Item No. 26

Applicant Response

- The Applicant confirms that ducts will be provided from the landlord switchgear to each car park space to facilitate the future pulling of electrical cables to car charging points.

Assessment

- Regard is had to the Transportation Planning report, which notes that the item has been satisfactorily addressed.
- Appropriate conditions in this regard can be added if permission is to be granted.
- The submitted documentation is acceptable.
- The applicant has addressed item 26 of the Further Information request.

Re. Item No. 27

Applicant Response

- Referred to the revised layout plans by HKR Architects and CSR Landscape Architects, which show a motorcycle parking space.

Assessment

- Regard is had to the Transportation Planning report, which notes that the item has been satisfactorily addressed.

- The applicant has addressed Item 27 of the Further Information request.

3.2.4. **Clarification of Further Information was requested requiring the following:**

1. The applicant has used unacceptable reduced run-off rates in their calculations, which may lead to undersizing of the attenuation system. The applicant is requested to recalculate the attenuation volume using appropriate run-off rates, agreed with Drainage Planning. This may lead to an increase in attenuation storage volume required.
2. It is noted that the applicant has undertaken Site Investigations, though these are very limited as only one trial pit was undertaken. The applicant should conduct a number of trial pits in various locations to ensure all SuDS measures are located in appropriate locations within the site. The applicant is requested to resubmit the Site Investigation Report and results, including Infiltration tests, and a plan showing the trial pits/soakaway test locations across the site. The report should address instances where groundwater, if any, was encountered during testing and its impact.
3. The applicant has located two rain gardens adjacent to areas for Taken In Charge. The applicant is requested to demonstrate how the rain gardens will be protected during any future works adjacent to them.
4. The applicant is requested to submit confirmation from the Fire Officer that the proposed PV/green roof panels are acceptable.
5. The applicant is requested to provide boundary treatment sections adjacent to the overland flow route, particularly in the northeast corner for the site and to comment on how overland flows will be prevented from impacting third party lands.

3.2.5. **Third Report (21/02/2022)**

3.2.5.1. **Re. Item No. 1**

Applicant response

- The applicant has submitted a reference to 'GDCL Report No. P2010-C-001,' which has been revised to account for updated runoff rates and a revised attenuation tank size required for the proposed development.
- The updated report, GDCL Report No. P2010-C-001, reflects the revised runoff rates and proposes a new attenuation tank size that is in line with these adjusted rates.
- Additionally, the applicant has updated GDCL Drawing No. P2010-C-101 to depict the revised attenuation tank, which matches the newly adjusted runoff rates.
- The proposed development now includes a new attenuation tank with a volume of 187 cubic metres, indicating an increase of 63.1 cubic metres compared to the previous proposal.

Assessment

- The Drainage Department report has no objection to the development, subject to compliance with certain conditions.
- The applicant has addressed the Clarification of Further Information requested.
- It is recommended that the conditions proposed by the Drainage Department be included in the planning permission if granted.

3.2.5.2. Re. Item No. 2

Applicant response

- Referred to 'GDCL Report No. P2010-C-001, which has been updated to reflect the updated Site Investigation Report and results in Appendix H.
- The SuDS measures for the subject site are proposed to be lined/tanked.

Assessment

- Regard is had to the Drainage Department report dated 14/02/2022, which states that they have no objection to the proposed development subject to compliance with conditions in relation to surface water management.
- The applicant has addressed the Clarification of Further Information request.
- It is recommended that the conditions proposed by the Drainage Department are included in any grant of planning permission

3.2.5.3. Re. Item No. 3

Applicant response

- The applicant has made reference to 'HKR Architects Drawing No. TPT-HKR-XX-XX-A-0004' to indicate the proposed site boundary that will be taken into consideration.
- The drawing also indicates the specific area that will be taken in charge by the Dún Laoghaire-Rathdown County Council in relation to the Blackglen Road/Harold's Grange Road Improvement Scheme.
- The raingardens located adjacent to the western boundary of the site have undergone revisions to ensure a minimum separation distance of 500mm between the raingarden and the western boundary.
- This revision has been made to safeguard the raingardens and protect them during any future works that may take place adjacent to them.
- Referred to updated GDCL Drawing No. P2010-C-101'.

Assessment

- Regard is had to Drainage Department report dated 14/02/2022, which states that they have no objection to the proposed development subject to compliance with conditions in relation to surface water management.
- The applicant has addressed the Clarification of Further Information request.
- It is recommended that the conditions proposed by the Drainage Department are included in any grant of planning permission.

3.2.5.4. Re. Item No. 4

Applicant response

- The applicant has submitted a letter from Eamon O' Boyle and Associates (Chartered Fire Engineers & Event Safety Consultants). This letter confirms that the proposed PV/green roof panels are acceptable, including a justification.

Assessment

- Regard is had to the Drainage Department report dated 14/02/2022, which states no objection to the proposed development subject to compliance with conditions in relation to surface water management.
- The applicant has addressed the Clarification of Further Information request.
- It is recommended that the conditions proposed by the Drainage Department are included in any grant of planning permission.

3.2.5.5. **Re. Item No. 5**

Applicant response

- The applicant informs that the overall topography of the site will remain largely unchanged.
- The applicant refers to 'GDCL Drawing No. P2010-C-1131,' which depicts sections taken at the north-eastern corner of the site.
- According to the drawings, the development does not intend to modify the existing topography of the site.
- The applicant states that the runoff rate for the entire development will be limited to the current greenfield runoff rate.
- The arrangement in the north-eastern corner of the site will remain unchanged.
- The volume of surface water discharging towards the north-eastern corner of the site will not be increased by the proposed development.

Assessment

- Regard is had to the Drainage Department report dated 14/02/2022, which states no objection to the proposed development subject to compliance with conditions in relation to surface water management.
- The applicant has addressed the Clarification of Further Information request.
- It is recommended that the conditions proposed by the Drainage Department are included in any grant of planning permission.

3.2.6. Other Technical Reports

3.2.6.1. Drainage Planning Section - response to clarification of further information received, dated 10/02/2022:

No objection subject to Conditions, summarised as follows;

1. Prior to construction, the applicant shall submit full details of proposed surface water sewer diversion for approval by Municipal Services, including CCTV survey and remediation report. Upon completion, the sewer will become a public sewer.
2. Prior to construction, the applicant shall submit a draft wayleave agreement for the public surface water infrastructure located in lands not taken in charge, along with dimensioned drawings, to the Planning Authority for approval.
3. Prior to construction, the applicant shall submit a construction management plan and program of works to the Planning Authority for approval, including measures for interception, containment, and treatment of construction runoff.
4. Green roofs shall be designed in accordance with The SUDS Manual and BS EN 12056-3:2000 and full construction details, including a maintenance plan, shall be submitted to the Planning Authority for approval. The green roof shall be maintained at all times as per the post-construction maintenance specification.
5. SuDS measures, permeable paving, raingardens/bioretenion areas, treepits, etc. shall be designed in accordance with The SUDS Manual and full construction details, including a maintenance plan, shall be submitted to the Planning Authority for approval. The SuDS measures shall be maintained at all times as per the post-construction maintenance specification.
6. The applicant shall submit full details of the flow control device to the Planning Authority prior to the commencement of development, including model and make number, orifice size, and flow control hydraulic characteristics graph. The flow control device must not have a bypass door and a penstock must be provided in the manhole.

7. Prior to Surface Water connection to the public system, the applicant shall make a submission to the Planning Authority showing that the attenuation system, including the flow control device, has been installed according to the plans and conditions. The applicant must facilitate an inspection by the Planning Authority before connection.

3.2.6.2. Transportation Planning Section - in response to further information submission dated 01/12/2021.

Refusal recommended on the following grounds:

1. The proposed development, and the proposed provision of only 26 no. car parking spaces to serve the proposed 33 no. apartments in particular, is not in accordance with Section 8.2.4.5 Car Parking Standards of the current DLRCC County Development Plan 2016-2022, even allowing for a reduction in the DLRCC CDP 2016-2022 Table 8.2.3 recommended residential car parking standards in accordance with the DHPLG Design Standards for New Apartments - Guidelines for Planning Authorities (December 2020) as a development coming under 3) Peripheral and/or Less Accessible Urban Locations and Section 4.22 : As a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required.
2. Precedent - i.e. the proposed development, by itself, or by the precedent which the grant of permission in respect of the proposed provision of only 26 no. car parking spaces to serve the proposed 33 no. apartments, which is not in accordance with Section 8.2.4.5 Car Parking Standards of the current DLRCC County Development Plan 2016-2022, even allowing for a reduction in the DLRCC CDP 2016-2022 Table 8.2.3 recommended residential car parking standards in accordance with the DHPLG Design Standards for New Apartments - Guidelines for Planning Authorities (December 2020) as a development coming under 3) Peripheral and/or Less Accessible Urban Locations and Section 4.22, may endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, as per Clause 4 of the

FOURTH SCHEDULE (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.

The Transportation Planning Section recommends 9 no. Conditions in the event of a grant of permission, summarised as follows;

1. The applicant shall provide at least 1 no. off-street car parking space per residential apartment unit, to be achieved through either additional spaces or a reduction in residential units.
2. Prior to construction, the applicant shall contact the Planning Authority to agree on the boundary wall and road reservation line along Sandyford Road.
3. The applicant shall provide pedestrian access to/from the development and Lamb's Brook.
4. The applicant shall provide 10% of car parking spaces as Electric Vehicle Charging Spaces and all electrical infrastructure to allow for future upgrades.
5. The applicant shall implement the measures accepted from the Road Safety Audit.
6. The applicant shall obtain a letter of consent for a Road Opening License prior to the commencement of works on public roads.
7. The applicant shall implement the measures outlined in the submitted traffic, environmental, and waste management plans and submit a detailed construction management plan for approval. This plan shall address construction traffic, site access, staff car parking, vehicle cleansing, nuisance prevention, and complaint procedures.
8. Measures must be taken to avoid conflict between construction traffic and other road users during construction.
9. The applicant shall prevent debris or building material from entering public roads and repair any damage caused.

3.2.6.3. Housing Department – dated 21/07/2021.

No objections.

**3.2.7. Prescribed Bodies
ABP 312990-22**

3.2.7.1. **EHO** - in response to further information submission dated 24/11/2021.

No objection subject to Conditions.

3.2.7.2. **Uisce Eireann** – dated 28/06/2021

No objection subject to Conditions.

3.2.8. **An Taisce** – dated 30th July 2021

The proposed development comprises premature piecemeal development. The scale of the proposed development is too great for this outer suburban area, would be dominant and obtrusive and impact the residential amenity of neighboring properties. The proposal would be contrary to the Building Height Strategy of the Development Plan. The density of the proposal would be over-development of the site and contrary to Development Plan policy and the Sustainable Residential Development in Urban Areas Guidelines (2009). Inadequate car parking provision would be provided, which would lead to overspill on neighboring properties.

4.0 **Planning History**

4.1.1. **Subject Site**

There is no relevant planning history on the subject site.

4.1.2. **Surrounding Area**

4.1.2.1. **Adjoining site to the north - 'Glenina' and 'Karuna'**

ABP Ref. 313443-22 - Strategic Housing Development (SHD) application - Permission sought for the demolition of dwellings known as 'Glenina' and 'Karuna'. construction of 137 no. apartments and associated site works. Decision: NOT DECIDED at time writing.

4.1.2.2. **Adjacent site to the west – ‘Whinsfield’**

P.A. Ref. D17A/1003 and ABP Ref. 302954-18 - Site known as ‘Whinsfield’ - Permission GRANTED in March 2019 for the proposed construction of residential development of 67 apartments in 2 no. 5 storey blocks.

P.A. Ref. D17A/0077 Permission REFUSED in March 2017 for the proposed demolition of an existing dwelling and construction of 29 no. residential units comprising 15 no. semi-detached/terraced 3 storey 4 bedroom houses; 8 no semidetached/terraced 2 storey 3 bedroom houses together with 3 no. 3 bedroom duplex units and 3 no. 2 bedroom apartments in a 3 storey block over under croft car parking. Permission refused for the following reasons (a) extent of tree removal, (b) insufficient density of development, and (c) deficient quantum, location and quality of public open space provision.

4.1.2.3. **Adjacent site to the southwest - Lambs Cross/Crohamhurst**

ABP Ref. 309965-21 – SHD application - Permission REFUSED in August 2021 for the demolition of an existing dwelling on site, construction of 143 no. apartments, creche and associated works. Permission refused for the following reasons (i) impact on hydrology and hydrogeology of the ponds in the Gorse Hill area, (ii) substandard form of development and (iii) the proposal would be contrary to the Building Height Strategy of the Development Plan.

4.1.2.4. **Adjoining site to the northeast - 30, Coolkill, Sandyford Village**

P.A. Ref. D17B/0392 – Permission GRANTED in Oct. 2017 for a single storey part pitched, part flat roof extension to existing house to provide new living room and utility space with extension to existing play room at ground floor of main house to extend existing utility room.

5.0 **Policy and Context**

5.1. **Development Plan**

The **Dún Laoghaire Rathdown County Council County Development Plan 2022-2028** is the statutory plan for the area.

Relevant provisions are referenced as follows –

Land Use Zoning: The site is zoned objective 'A' which seeks 'To provide residential development and improve residential amenity while protecting the existing residential amenities'. (Chapter 13, Table 13.1.2)

6 Year Road Objective: There is a 6 Year road Objective demarcated along the western boundary of the site, along the R117. This is described in Chapter 5 Table 5.3 as the Sandyford / Enniskerry Road (Coolkill to Aiken's Village).

Section 4.3.1.1 Policy Objective PHP18: Residential Density

Section 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity.

Section 4.3.2.1 Policy Objective PHP25: 'Housing for All – A new Housing Plan for Ireland, 2022'

Section 4.3.2.2 Policy Objective PHP26: Implementation of the Housing Strategy

Section 4.3.2.3 Policy Objective PHP27: Housing Mix

Section 4.4.1.7 Policy Objective PHP41: Safer Living Environment

Section 4.4.1.8 Policy Objective PHP42: Building Design & Height

Section 5.7.4 Policy Objective T19: Carparking Standards

Section 5.8.4 Policy Objective T26: Traffic and Transport Assessments and Road Safety Audits

Section 5.8.6 Policy Objective T28: Road Safety

Section 8.7.1.2 Policy Objective GIB19: Habitats Directive

Section 8.7.1.4 Policy Objective GIB21: Designated Sites

Section 9.2.1.4 Policy Objective OSR4: Public Open Space Standards

Section 9.3.1.3 Policy Objective OSR7: Trees, Woodland and Forestry

Section 10.2.2.4 Policy Objective EI4: Water Drainage Systems

Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems

Section 10.7.2 Policy Objective EI22: Flood Risk Management

Section 12.3.7.6 Backland Development

Section 12.3.7.7 Infill

Section 12.3.3.2 Residential Density

Section 12.3.4 Residential Development – General Requirements

Section 12.3.4.1 Road and Footpath Requirements

Section 12.3.5 Apartment Development

Section 12.3.5.2 Separation Between Blocks

Section 12.4.1 Traffic Management and Road Safety

Section 12.4.2 Traffic and Transport Assessment (i) Assessment Criteria for deviation from Car Parking Standards (set out in Table 12.5)

Section 12.4.5.3 Car Parking – General

Section 12.4.5 Car Parking Standards

Section 12.4.5.1 Parking Zones

Section 12.4.5.2 Application of Standards

Section 12.4.5.6 Residential Parking

Table 12.5 Car Parking Zones and Standards

Section 12.4.6 Cycle Parking

Section 12.4.6.1 Requirements for New Development

Section 12.8.3.3 Private Open Space

Table 12.11: Balconies / Winter Gardens: Minimum Private Open Space Standards for Apartment Developments

Section 12.8.5 Public Open Space – Quality

Section 12.8.6.2 SuDS (Sustainable Drainage Systems)⁴

Section 12.8.7.1 Separation Distances

Section 12.8.7.2 Boundaries

Section 12.8.8 Financial Contributions in Lieu of Open Space

Section 12.8.9 Play Facilities for Apartments and Residential Developments

Section 12.8.11 Existing Trees and Hedgerows

Section 12.9.4 Construction Management Plans

Section 12.9.6 New Development/Change of Use - Environmental Impacts

Section 12.10.1 Flood Risk Management

Section 13.1 Land Use Zoning Objectives

Table 13.1.1 Development Plan Zoning Objectives

Appendix 5 Building Height Strategy

Policy Objective BHS 1- Increased Height

Policy Objective BHS 3 Building Height in Residual Suburban Area

Table 5.1: Criteria for assessing proposals for increased height

Appendix 3 Development Management Thresholds

Appendix 15 Strategic Flood Risk Assessment

5.2. Other Relevant Government Policy / Guidelines

National Planning Framework – Project Ireland 2040.

Housing for All - A new Housing Plan for Ireland

Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and accompanying Urban Design Manual: A Best Practice Guide (2009).

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)

Urban Development and Building Height Guidelines for Planning Authorities (2020).

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE2011).

Circular Letter: NRUP 02/2021 - Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

Circular Letter: NRUP 03/2021 - Ministerial Planning Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), Regulation of Commercial Institutional Investment in Housing.

The Planning System and Flood Risk Management, Guidelines for Planning Authorities Guidelines (2009)

OPR Practice Note PN01 - 'Appropriate Assessment Screening for Development Management' (OPR, 2021).

'Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities' (2009)

Circular NRUP 03/2021 'Ministerial Planning Guidelines, Regulation of Commercial Institutional Investment in Housing'

'Regulation of Commercial Institutional Investment in Housing - Guidelines for Planning Authorities (2021)

5.3. Natural Heritage Designations

5.3.1. The nearest Natura 2000 European Sites to the appeal site are as follows:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approx. 5.1km to the north-east of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approx. 5.1 km to the north-east of the site.
- The Wicklow Mountains SAC (Site Code: 002122), approx. 5 km to the south-west of the site.
- The Wicklow Mountains SPA (Site Code: 004040), approx. 5 km to the south-west of the site.
- Fitzsimon's Wood Proposed Natural Heritage Area (Site Code: 001753), c. 60m to the west of the site.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The

need for environmental impact assessment can, therefore, be excluded at preliminary examination, and a screening determination is not required.

6.0 The Appeal

6.1.1. This appeal is subject to a first-party appeal and several third-party appeals. These are detailed below accordingly.

6.1.2. First Party Appeal

6.1.3. A first-party appeal was received from Thornton O'Connor Town Planning Consultants representing the Applicant Ultra Dawn Limited, in respect of Condition Nos. 2 and 3 attached to the Notification of Decision to Grant Permission for the proposed development. The following is a summary of the grounds of appeal.

6.1.3.1. Overview

- The proposed development involves the demolition of an existing dwelling and the construction of 33 no. residential units on a 0.32 Ha site.
- The development consists of two blocks, with the block facing Sandyford Road comprising 5 storeys and the block to the rear comprising 4 storeys.
- The Planning Authority requested the omission of a storey from each block during the Further Information stage, resulting in a 4-storey block at the front and a 3-storey block at the rear.
- In response, the Applicant submitted that the proposed heights were reasonable based on the site location, surrounding planning history, its location within the LUAS catchment area where greater densities should be provided and the payment of contributions accordingly, and the demonstrated lack of impact on surrounding residential amenity.
- The Planning Authority accepted the argument for a 5-storey block on Sandyford Road but reduced the rear block to 3 storeys through Condition No. 2.

- This condition reduced the number of units from 33 to 27, as stated in Condition No. 3.
- The principal aim of the proposed development is to provide a contemporary residential development of high quality, offering a range of apartment types and sizes suitable for various household needs.
- The development will open up The Pastures site onto Sandyford Road, creating a public realm and enhancing the streetscape.
- The proposed development provides a high quality landscape design that will ensure a high standard of residential amenity is achieved.
- Overall, the development is expected to provide numerous benefits, including the provision of 33 new homes.

6.1.3.2. **Rationale**

- There is a prevailing housing crisis in Ireland with a significant shortage of suitable housing and increasing house prices, leading to an affordability crisis, particularly for first-time buyers.
- As reported, the number of houses being built is increasing, but it is still far below the estimated 30,000 units needed annually to keep up with population dynamics.
- The Covid-19 pandemic disrupted housing delivery, and it is unlikely that housing supply will meet demand until 2023 or beyond (as reported).
- There has been a sustained demand for housing, fuelled by increased savings among prospective homebuyers, coupled with record lows in housing supply.
- House price inflation in Dublin has been significant, with increases ranging from 6.9% to 14.1% in different areas.
- The Minister for Housing has set a target of 33,000 new homes per year on average between 2020 and 2031, with a goal to reach that figure by 2025.
- The proposed development will contribute to addressing the housing shortage by delivering high-quality dwellings.
- The National Planning Framework: Ireland 2040 is the Government's strategic plan for the future growth and development of Ireland until 2040.

- The NPF aims to provide good quality housing that meets the needs of a diverse population and makes cities, towns, villages, and rural areas good places to live.
- The NPF advocates the development of infill and brownfield sites to address housing requirements.
- The proposed development of 33 residential units on the subject site aligns with the NPF's strategy.
- The surrounding infrastructure and facilities are capable of accommodating the population increase resulting from the proposed development.
- The increased population will support the existing economic and social services and facilities in the Sandyford and Stepside areas.

6.1.3.3. **Omit Condition Nos. 2 & 3**

- The primary grounds of appeal are to omit Condition Nos. 2 and 3 from the grant of permission for the proposed development of 33 residential units.
- Condition No. 2 requires the omission of the second floor of Block B.
- Omitting Condition No. 2 also necessitates the omission of Condition No. 3, which clarifies the number of units granted. The applicant is seeking permission for 33 units, while the current permission is only for 27 units.
- The proposed 4-storey development (Block B) is deemed appropriate for the location and site.
- The neighbouring sites to the north, 'Glenina' and 'Karuna,' are also seeking permission for a Strategic Housing Development (SHD) under the same agents (Thornton O'Connor Planning Consultants), aiming for compatibility with the proposed development.
- The density of the proposed development is 103 units per hectare, lower than the neighbouring site's proposed density of 175 units per hectare.
- The immediate area around The Pastures is undergoing transition and densification.
- The development at Whinsfield, located across the road from The Pastures, has been granted permission under ABP Ref. PL06D.302954 / P.A. Ref. D17A/1003, with heights of 5 No. storeys and an overall height of 16.4 meters.

- The maximum heights of the 5 No. storey block on The Pastures are 15.115 meters, lower than the permitted Whinsfield development.
- The proposed 4 No. storey block at the rear of The Pastures reaches a maximum height of 12.565 meters.
- These heights are considered appropriate for this core urban location within the LUAS catchment area.
- The An Bord Pleanála Inspector concluded that there is a strong argument in favour of increasing building heights on the Whinsfield appeal site, in line with local and national planning policy objectives.
- The Whinsfield application underwent revisions, resulting in a 4-storey and setback penthouse level height of 16.4 meters for the revised scheme, which was considered acceptable by the Planning Authority.
- The Planning Officer in the Whinsfield application considered the site has the capacity to accommodate the proposed development without significantly impacting the character of the area or neighbouring properties' residential amenity.
- With the subject application, during the Further Information stage, the Planning Authority requested the Applicant to remove a storey from each of the blocks in The Pastures development, reducing the height from 5 No. storeys at the front to 4 No. storeys and from 4 No. storeys at the rear to 3 No. storeys.
- The Planning Authority expressed significant concerns about the proposed height of the blocks, citing potential non-compliance with the County Development Plan's Building Height Strategy and setbacks to adjacent properties, which could result in overshadowing and overbearing effects. The Authority specifically highlighted that the setback requirement of 22 meters only applies up to 3 storeys.
- In response to the concerns raised, the Applicant detailed how the proposed development aligned with national and local policy. They argued that the heights as originally proposed were appropriate and would not have any material impacts on overshadowing, daylight, sunlight, or overall residential amenity.
- While the Planning Authority accepted the argument for the 5 No. storey block at the front, they did not accept the response regarding the rear block. Consequently, Condition No. 2 was included in the decision, requiring the removal of a storey from the rear block. As a result, the permitted height for the rear block is now 3 No.

storeys according to the decision made by Dun Laoghaire Rathdown County Council.

- However, the Applicant maintains the opinion that the originally proposed height of 4 No. storeys for the rear block is entirely appropriate for the subject site.
- The Applicant contends that increased heights have been considered suitable in the area based on planning history and provide site-specific reasons to support their stance.

6.1.3.4. **Setback from Party Boundary**

- Block B of the proposed development is set back approximately 23.5 meters from the dwellings to the rear, with four storeys opposing two storey houses in Sandyford Downs.
- The provided separation distances are more than adequate in this context. It was highlighted in the Response to Further Information (RFI) that An Bord Pleanála has granted permission for developments with greater scale and smaller separation distances.
- Reference to the Golf Lane Strategic Housing Development (SHD) under ABP Ref. 309026-20, where the Planning Inspector stated that a total separation distance of 18 meters would be sufficient for a future development that matches the separation of the proposed scheme.
- Although the Golf Lane scheme anticipated development on the opposite side of the boundary, the Inspector considered 18 meters to be an acceptable separation distance for a potential 6 No. storey building opposing another 6 No. storey building.
- In comparison, the subject scheme at The Pastures provides a minimum of 12.5 meters from the party boundary, exceeding the 18 meters considered appropriate for a development at Golf Lane by 5.5 meters. This demonstrates that the proposed development has adequate separation distances, even with two storeys opposing four storeys.

6.1.3.5. **Balcony Design**

- The design of the rear block of the proposed development was carefully planned to minimise the presence of balconies facing the dwellings in Sandyford Downs.
- Only one front-facing balcony is located on the furthest extent of the rear elevation, avoiding a proliferation of balconies.
- A second balcony is positioned towards the north-eastern corner but is set back further from the boundary, aiming to minimize the impact on Sandyford Downs.
- There is a third balcony, but only its side faces Sandyford Downs.
- The Applicant took great care in the layout of the development to ensure minimal impact on Sandyford Downs.
- The proposed development would have no material impact on the properties in Sandyford Downs.

6.1.3.6. **Daylight and Sunlight**

- The dwellings to the rear of the proposed 4 storey block are located in Sandyford Downs, with the rear gardens of Sandyford Downs sharing a party boundary with the subject site.
- A Daylight/Sunlight Report submitted with the application shows that the 4-storey block has an imperceptible impact on VSC (Vertical Sky Component), annual ASPH (Annual Sunlight Penetration Hours), and summer ASPH.
- This indicates that there will be no noticeable impacts on neighbouring properties or the surrounding area.
- The report also confirms that all gardens in Sandyford Downs will continue to receive more than 2 hours of sunlight over 50% of their area on March 21st, with minimal change between the existing conditions and the proposed development.

6.1.3.7. **Rationale for Building Height**

- To assess appropriate heights for the area, it is essential to review nearby development proposals and examine any discussions on appropriate height.
- The Fitzsimons Wood Strategic Housing Development (SHD) (ABP Ref. 06D.309965) serves as a relevant example. Although permission was refused for

this scheme due to architectural issues, the Inspector's Report highlighted the changing nature of the area and the potential for taller buildings.

- The Inspector's report for the Fitzsimons Wood SHD acknowledged that Sandyford Road was transitioning from a low-density, suburban character towards a more urban context with varying heights and increased densities.
- In this context, a five-storey building facing Sandyford Road and a four-storey building to the rear cannot be considered challenging, especially considering that the buildings are not imposing and can be easily absorbed within their surroundings.
- Another section of the Fitzsimons Wood SHD Planning Inspector report noted that the development of the site would contribute to the consolidation of the urban environment, supporting the provision of relatively taller buildings on the site.
- The characteristics discussed in the Fitzsimons Wood SHD report, such as location in the urban area and potential for improving the public realm, are also relevant to The Pastures site.
- In line with national planning policy discourse, which seeks increased height and density, it is considered appropriate to have heights of four and five storeys in a location within the catchment of the LUAS Section 49 Development Contribution area.
- The proposed development should not be considered overscaled and in need of reduction, as national policy discourse emphasises the need for height and density transitions in areas with existing low-rise, low-density developments.
- Examples of recent SHD planning decisions, such as the Howth Road Strategic Housing Development (ABP Ref. 360102-19) and the Former Bailey Gibson Site on the South Circular Road (ABP Ref.PL29S.307221), demonstrate that introducing taller buildings into traditionally lower density areas is acceptable.
- The Bailey Gibson development, which comprises 3-16 storey buildings, received permission despite initial concerns about scale, height, bulk, mass, and impact on neighbouring residential areas.
- These examples indicate that An Bord Pleanála recognises the need for increased height and density in well-connected urban areas, and they have approved developments with heights greater than those proposed in the subject scheme.

- Ultimately, it is important to ensure that such transitions in scale do not unduly impact the residential amenity of existing dwellings in the area. The assessment of the subject application demonstrates that the proposed development will not result in material impacts on the residents of neighbouring dwellings.
- With the changing planning policy context and the need for increased height and density, a mix of low-density and higher-density developments can coexist in urban contexts, as demonstrated by numerous recent planning decisions.

6.1.3.8. **National Policy re. Increased Heights**

- National planning policy recognises the prevailing development models in Ireland's city and town cores, which have predominantly consisted of employment and retail uses surrounded by low-rise suburban residential areas. However, this model is now considered unsustainable.
- The Building Height Guidelines, 2018 acknowledge the need for a new approach to development, emphasising the opportunity to build upwards and consolidate existing urban areas to accommodate population growth and development needs.
- The Design Team for The Pastures development has taken into account the guidance provided by the Building Height Guidelines, 2018 and has designed the proposed scheme accordingly.
- The Building Height Guidelines highlight the government's view that increased building heights can play a critical role in achieving more compact growth, enhancing the scale and density of development in urban areas.
- The Guidelines also emphasise the need for the planning process to actively address the objective of increased heights in appropriate urban locations, including town and city cores with good public transport accessibility.
- The proposed 4-storey and 5-storey residential scheme in The Pastures is a direct response to national planning policy, which seeks compact growth in urban centres through increased heights.
- An Bord Pleanála has previously shared the opinion that urban areas are undergoing a transition, as seen in their assessment of the St. Pauls College Strategic Housing Development (SHD) in Raheny, where heights of 5-9 storeys were permitted by the Board under ABP Ref. 307444-20.

- The Inspector's Report for the St. Pauls College SHD referred to the necessity of increasing building heights in appropriate urban locations as per Section 3 of the Height Guidelines, indicating that low-rise development is not an option in such areas.
- Similarly, in the assessment of the Greenacres SHD scheme in Dundrum (ABP Ref. TC06D.306682), the Inspector recognised the changing nature of the area and the shift from low-density to higher-density dwellings, including apartment blocks of varying heights.
- The Inspector noted that the transition from low-density to higher-density development is in line with sustainable planning and that the proposed scheme had no undue impact on residential amenity.
- The Appellant contends that the separation distances proposed in The Pastures are greater than those granted in comparable schemes, such as the Farranlea Road development in Cork (ABP Ref. 300846-18 / P.A. Ref. TP17/37257).
- The Inspector's assessment of the Farranlea Road scheme recognised that a three-storey block adjoining single-storey houses was suitable in that context, as there was no significant concern regarding the built character of the area or the siting of three-story development.
- Considering the separation distances, lack of material impact on surrounding properties, and adherence to national policy discourse, the Appellant concludes that the proposed development in The Pastures is appropriate for the site.
- Given these considerations, it is requested that Condition Nos. 2 and 3 be removed from the list of conditions imposed by Dun Laoghaire Rathdown County Council.
- The Applicant welcomes the decision of Dun Laoghaire-Rathdown County Council to grant permission for the residential development in The Pastures.

6.1.4. **Third Party Appeals**

6.1.5. Third-party appeals against the decision of the Planning Authority were received from the following;

- Ros Lynch and David Schorman, on behalf of Sandyford Downs Residents Association, Sandyford, Dublin 18.
- Denis McCarthy, on behalf of Lambs Brook Residents Association
- Paul O'Kane of No. 36 Coolkill, Sandyford Village, Dublin 19.
- Robert Simpson and Lynne Pasley, No. 33 Coolkill, Sandyford, Dublin 18.
- Stuart Parkinson, No. 14 Sandyford Downs, Sandyford, Dublin 18.
- Stephen Mennell & Others, residents of Lambs Brook, Sandyford, Dublin 18.
- Fionnuala Treacey and Gabriel Treacey, No. 18 Sandyford Downs, Sandyford, Dublin 18.

6.1.6. The issues raised in the grounds of appeal of these Appellants are summarised below accordingly.

6.1.7. **Appeal by Sandyford Downs Residents Association**

6.1.7.1. **Density:**

- The Appellants reject the density of a proposed development in Sandyford Village.
- The Grant of Permission allows for 27 apartments on the Pastures site, resulting in a density of 85 units per hectare.
- The excessive density is considered inconsistent with the character of Sandyford Village and its surroundings.
- Whinsfield, a nearby development, has approximately 65 apartments under construction at a density of 60 units per hectare.
- Applying the density of 60 units per hectare to the Pastures site would result in around 19 apartments instead of 27.
- There are no existing homes adjacent to Whinsfield, except for a development called Crohamhurst, refused by An Bord Pleanála.

- The Planner's Report from February 24, 2022, states that the proposed density is significantly higher than the recommended minimum of 45 units per hectare for intermediate urban areas.
- The proposed development at the Pastures will contravene the recommended building height in the County Development Plan, where 2 storeys are generally recommended for Sandyford Village.

6.1.7.2. **Building Height**

- The proposed development at the Pastures is not in keeping with the character of Sandyford Village.
- Buildings in the village triangle are generally two storeys, with the tallest being Sandyford House and St Mary's Church spire.
- Development in this area should be limited to a maximum of 3 storeys to match the village's nature.
- Cul Cuille is a recently completed development to the rear of Coolkill (as permitted under P.A. Ref. D14A/0843), consisting of a three-storey apartment building and six two-storey houses.
- Sandyford Green is another new development to the rear of Sandyford House, featuring apartments, duplexes, and detached houses with a maximum height of 2.5 storeys.
- Churchlands is a development of two-storey houses located at the northern end of the village main street, completed around 2006.
- Near the corner of Bearna Park, eight houses were built a couple of years ago, and six more are under construction, all either two storeys or 2.5 storeys.
- Existing developments in Sandyford Village blend in with the local community and are sympathetic to the area.
- Cul Cuille and Sandyford Green developments were likely built based on profitable expectations without excessive density or building height.
- The planning application for the Pastures site is seen as an attempt to introduce excessive density with inadequate parking and site access provisions.

6.1.7.3. **Parking and Services**

- The Grant of Permission accepted only 26 no. off-street parking spaces as adequate.
- The County Development Plan requires 38 no. off-street parking spaces.
- The Council's Transportation Planning Section decided that the residential parking standards in the DHPLG Design Standards for New Apartments are appropriate
- The Transportation Planning Section considers the site location as being a Peripheral or Less Accessible Urban Location.
- The recommended guideline for parking is 1 no. car parking space per unit, totalling 27 spaces. Additionally, 1 no. visitor parking space is recommended for every 3-4 apartments, resulting in 8 visitor spaces.
- In total, the recommended number of parking spaces is 35.
- A recent count in Sandyford Downs showed 184 vehicles, averaging 1.67 per occupied house.
- There is poor public transport in the area, despite the presence of the Luas c. 25 min walk from the Pastures.
- The Luas frequently runs at capacity at peak hour.
- The planned 26 parking spaces for The Pastures will be inadequate for over 40 car owners.
- There is no visitor parking available, which will lead to overflow parking in nearby areas, including Lamb's Brook, Kilcross and Cookhill Sandyford Downs Road.
- The excessive density in the proposed development will result in inadequate parking for residents and visitors.
- Cul Cuille and Sandyford Green developments have appropriate parking levels based on their density and location.

6.1.7.4. **Eastern Boundary Wall**

- The planning application for the Pastures site includes a planted boundary on the eastern side.

- No conditions in the Grant of Permission require improvements to the existing hollow block boundary wall at the rear of gardens in 14 to 19 Sandyford Downs.
- Concern that removing natural screening and barriers (laurel hedge and wild area) behind the boundary wall will provide easy access through the proposed development to the rear boundary wall of the mentioned properties.
- A solid boundary wall treatment should be included in the design to limit security risks for houses in Sandyford Downs.
- The proposed overland flood routing for the Pastures site is towards the east.
- The boundary wall should be able to resist the pressure of surface water flow and accumulation during significant rainfall and runoff.
- DLRCC Planning has expressed concerns about surface water drainage and the design details and calculations submitted by the applicant during the planning application process.
- An Bord Pleanála is requested to make it a condition of the planning permission to erect a solid block/brick wall along the eastern boundary of the Pastures site to a height of 2.0m on the Pastures side.
- The wall should be built on a new foundation for structural integrity and not on top of the existing boundary wall.
- The look and finish of the wall should be agreed upon with the primarily affected neighbours, specifically residents of 14 - 19 Sandyford Downs.

6.1.8. Appeal by Lamb's Brook Residents Association

6.1.8.1. Parking

- The provision of 26 parking spaces for the permitted 27 no. unit development is deemed inadequate.
- The majority of the apartments in the development are two and three bedroom units.

- Existing residents of Lambs Brook and most residents of the proposed development heavily rely on private transport due to limited public transport options in the area.
- The combination of car reliance and inadequate parking in the proposed development will result in overspill parking in Lambs Brook.
- Lambs Brook is a small cul-de-sac with 12 houses and already lacks sufficient parking space for residents and visitors.
- The overspill parking would have serious consequences for all residents, including impacting the provision of public services such as fire service and refuse collection.

6.1.8.2. **Safety**

- Parking overspill would undermine the safety and well-being of residents, their children, and visitors.
- Many young children live in Lambs Brook and visit the estate regularly with extended family members.
- The estate has a green area where children play.
- The impact of dangerous excess parking and increased traffic volumes in the cul-de-sac is a concern.
- Heavy-duty vehicles will be present during the construction phase of the development.
- There will be an inevitable increase in vehicular traffic and parking once the development is completed and occupied.

6.1.8.3. **Height, Density, Overlooking and Overshadowing**

- The proposed high-rise apartment blocks are of an inappropriate height and scale for Lambs Brook, which would have a devastating impact on the area and its residents.
- The high-rise buildings would cause severe overshadowing and overlooking of the existing two-story homes and gardens, resulting in a substantial loss of natural light and views for the affected residents.

- The construction of the high-rise apartment blocks would lead to a significant invasion of privacy for all residents of Lambs Brook, as their homes would be exposed to increased visibility from neighbouring buildings.
- The peacefulness of the estate, which has been a permanent feature of the semi-rural landscape and setting of Lambs Brook, would be destroyed by the presence of these high-rise buildings.
- The proposed development comprises two blocks totalling 27 apartments on a 0.32-hectare site.
- The density of the proposed development is excessive on this small site.
- The northerly block of the Whinsfield development and the adjacent westerly block of the proposed development are both five storeys tall and directly opposite each other.
- The blocks would overshadow each other across Sandyford Road, creating a high-rise 'funnel' effect in a semi-rural landscape and streetscape.
- The proposed development would overlook several two-storey houses in Lambs Brook.
- The development is out of step with other infill developments in the Sandyford area, which are predominantly two-storey with only one three-storey development.

6.1.8.4. **Access**

- Access to the 'Pastures' site is currently through Lambs Brook, a mature and settled cul-de-sac.
- Concerns regarding the proposed retention and widening of the entrance from Lambs Brook for construction traffic and ongoing vehicle access.
- Existing traffic congestion on Sandyford Road during peak hours causes long tailbacks from Lambs Cross to the entrance of Kilcross.
- Residents of Lambs Brook experience difficulty in entering and exiting Lambs Brook due to the presence of a yellow box at the entrance.
- Prior to construction in Lambs Brook, vehicular access to the Pastures was from Sandyford road, an entrance that is still visible but blocked off currently.

- Requested that the blocked-off entrance from Sandyford Road to the 'Pastures' site be re-instated and that the current access to for the 'Pastures' development site be closed off.

6.1.8.5. **Amenity, Screening and Wildlife Habitat provided by the existing treeline**

- Concern regarding the proposed felling of the entire treeline separating the Pastures and Lambs Brook.
- This treeline provides considerable amenity and screening value for Lambs Brook residents
- The treeline serves as habitat for several species of local fauna, including bats and squirrels
- Previous developments in the area, such as Whinsfield and road widening, have resulted in significant tree felling
- Requested to retain existing treeline as a condition for the final development of the Pastures site

6.1.8.6. **Other Issues**

- The site is prone to flooding.
- Appellants are pro-development that is proportionate and appropriate.
- Emphasis on fairness and even spread of apartment block developments in the DLRCC catchment area.
- Concerns about the high density and clustered development in Lambs Brook.
- Reference to specific developments: Glenina (147 build-to-let units, high-rise SHD), Whinsfield (69 apartments located opposite the Pastures and Lambs Brook), and the proposed 'Pastures' development (27 apartments), all within proximity of Lambs Brook.
- Assertion that the scale, density, and proximity of these developments would result in Lambs Brook being surrounded by apartment blocks.

6.1.9. Appeal by Paul O'Kane

6.1.9.1. Invalidity of the Site Notice.

- The site notice, dated 25th June 2021, specified "2 No. apartment blocks ranging in height from part 3 No. to part 5 No. storeys." However, the application and associated drawings specify two separate 4-storey (Block B) and 5-storey (Block A) blocks.
- There is no "part" of either block that is 3 storeys only.
- If "part 3 No. storeys" is assumed to mean four storeys, then "part 5 No. storeys" must be assumed to mean six storeys.
- Since no part of the application refers to or specifies six storeys, "part 5 No." should mean five and "part 3 No." should mean three, not four.
- The Planning Authority erred in not declaring the Site Notice invalid, and approval should be overturned.
- The Planning Authority has recommended reducing Block B from 4 storeys to 3 storeys.
- If the applicant appeals this recommendation and seeks restoration of 4 storeys on Block B, any such appeal should be overturned as it is materially at variance with the Site Notice. The Planners Report, Page 5 Paragraph 3, referring to "Lands Located at Lambs Cross," supports this contention.
- Strategic Housing Development (SHD) ABP-309965-21 stated a reason for refusal based on contravention of Policy UD6: Building Height Strategy.
- The proposed development at The Pastures also materially contravenes Policy UD6: Building Height Strategy.
- Therefore, in the absence of reference to section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016 in the public notice at the application stage, the Board must be similarly precluded from granting permission for this development.

6.1.9.2. Building Height

- The Dun Laoghaire-Rathdown County Development Plan sets guidelines for building height, recommending two storeys for locations like the subject site, with the possibility of 3-4 storeys in appropriate areas. Minor modifications up or down by up to two floors, known as 'upward or downward modifiers,' may be considered in certain cases.
- The subject site fails to meet the criteria for additional height due to its lack of a prominent corner location, being a large redevelopment site, adjacency to key public transport nodes, and the potential detrimental effect on existing character and residential amenity.
- The development fails all the tests for 'Upward Modifiers', which would allow additional height.
- The proposed development fails all the tests for Upward Modifiers as it does not create urban design benefits, provide major planning gain, have civic, social, or cultural importance, fit the build environment or topography, have exceptional public transport accessibility, or set its own context, having an area less than 0.5 Ha.
- The appellant disagrees with the Planning Authority's claim that the development meets one upward modifier criterion related to higher densities in an area with public transport accessibility, as they argue that the location is not easily accessible to public transport, a 22 min walk to the LUAS Glencairn station.
- The Building Height Strategy of the County Development Plan aims to protect the landscape and open space, particularly the Dublin Mountains.
- The appellant claims that there is no evidence of the applicant or the Planning Authority considering the impact on the mountain foothills and the image of the Dublin Mountains.
- The Building Height Strategy requires that where development is proposed which would exceed the height of its surroundings, an urban design study and impact assessment study may be required to demonstrate that the proposed scheme will not harm the setting of the mountain foothills.

- The appellant disputes the accuracy of photograph 5 presented in Section 3.1 of the Design Statement, stating that it was taken in the wrong direction facing north, away from the site. The key to the site photos purports to show photograph 5 looking in the direction of the site.
- Any 4 or 5-storey buildings on the subject site will block all or part of this view of the Three Rock Mountain from Coolkill, a public road.
- The Appellant contends that the Planning Authority gave inadequate consideration to downward modifiers, erred in grant approval of permission and that it should be revoked.

6.1.9.3. **Density**

- The subject site fails the criterion of being located within an Intermediate Urban Location as defined in the "Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities, December 2020."
- The site is not within reasonable walking distance (up to 10 minutes or 800-1000m) of principal town or suburban centres, employment locations, hospitals, or third level institutions. It is approximately 2.75km from Dundrum Town Centre, 2km from Stepside Village, 2.18km from the Beacon Shopping Centre, and 2km from Sandyford Business District.
- The subject site is also not within reasonable walking distance (between 10-15 minutes or 1000-1500m) of high capacity urban public transport stops. It is approximately 1700m (22 minutes' walk) from the Glencairn Luas stop.
- There are no high-frequency (minimum 10-minute peak hour frequency) urban bus services within reasonable walking distance (between 5-10 minutes or up to 1000m) of the subject site. The existing bus routes (44B Glencullen to Dundrum and 114 Rockview estate to Blackrock) have limited schedules and do not meet the criteria.
- The subject site does not meet the proximity or accessibility criteria for an Intermediate Urban Location, as stated in the Urban Development and Building Heights Guidelines and the High Court Judicial Review.

- The judgment of Mr. Justice Holland, dated 10th January 2022, in The High Court Judicial Review case [(2022) IEHC 7, Record No. 2020/816JR] involved the Ballyboden Tidy Towns Group, An Bord Pleanála, Shannon Homes Construction ULC, and South Dublin County Council. In this case, Justice Holland upheld the appeal of the Tidy Towns Group. In Paragraph 95 of the judgment, Justice Holland emphasised that the guidelines explicitly require the site to be presently well served by public transport "with high capacity." Therefore, a plan to enhance public transport services in the future does not fulfill this criterion.
- The subject site is also not within easy walking distance (up to 5 minutes or 400-500m) of reasonably frequent (minimum 15-minute peak hour frequency) urban bus services.
- The proposed site lies within a "Peripheral and/or Less Accessible Urban Location" according to Section 3, pg. 6 of the Apartment Guidelines. It is suitable for limited, small-scale, higher density development or residential development with a minority of apartments at low-medium densities (below 45 dwellings per hectare).
- The maximum density for the subject site is 45 dwellings per hectare, as confirmed by Transportation Planning Section in the Planners Report.
- The proposed density for The Pastures is considered excessive.
- The plans entail 33 units in an area of 0.316 hectares, resulting in approximately 103 units per hectare.
- Recent nearby developments, such as Cul Cuille and Sandyford Green, have densities of c. 36 units per hectare.
- Whinsfield, as already approved, has a density of c. 60 units per hectare.
- The density of 103 units per hectare for The Pastures significantly exceeds the recommended maximum of 45 dwellings per hectare for "Less Accessible Urban Locations."
- The initial recommendation by the Planning Authority was a lower density of 75 dwellings per hectare (pg.26 of report) by reducing the height of Blocks A and B.

- The Planning Authority (pg.27) stated that the current proposal represents an overdevelopment that could potentially impact the residential and visual amenity of surrounding properties.
- The Planning Authority requested the applicant to review the proposed layout, scale, height, and density of the development.
- Despite these concerns, permission was granted for the full 5-storey Block A after receiving further information.
- The approved final density of c. 85 units per hectare is still considered grossly excessive for the "Peripheral and/or Less Accessible Urban Location" of the site.
- Therefore, the Planning Authority erred in approving the application and it should be revoked.
- The provided streetscape pictures illustrate the current environment around the subject site.
- The east of Sandyford Road shows the newly built Cul Cuille 3-storey, flat-roofed apartment block, which integrates well with the surrounding houses in the Coolkill estate, in the background.
- However, the claim cannot be made for apartment blocks of 5-storeys or more, as they would not fit harmoniously into the area.
- The Sandyford Village area, bounded by Sandyford Road, Hillcrest Road, Kilgobbin Road, and the M50 motorway, is characterized as a "Peripheral and/or Less Accessible Urban" location.
- Unlike Sandyford Business District, Aikens Village, Dundrum, Stepside, Clay Farm, and Carrickmines, Sandyford Village has maintained a low-rise character.

6.1.9.4. **Misrepresentation of Distances.**

- The Planning Authority Report contains repeated references to distances regarding the accessibility of certain locations.
- These distances are consistently understated and/or misrepresented in favour of the applicant, suggesting bias in supporting the applicant's claim of the subject site as an Intermediate Urban Location.

- The report states that the M50 is accessible from the subject site at Junction No. 14, located approximately 640 meters to the northeast.
- However, the word "accessible" is crucial here. Junction 14 is only accessible to southbound traffic from the subject site.
- The actual distance, including shared roads and local non-motorway traffic, from the subject site to the start of the southbound entry ramp at Junction 14 is approximately 1,570 meters, as verified using Google Earth's Tools - Ruler - Path feature.
- This distance of approximately 1570 meters is approximately 140% greater than the claimed distance of approximately 640 meters.
- Picture 1 in the Appendix provides verification of this discrepancy.
- Additionally, for northbound traffic to access the M50 from the subject site, entry is only possible at Junction No. 13.
- The distance from the site to the start of the northbound entry ramp at Junction 13 is approximately 2830 meters, including shared roads and local non-motorway traffic.
- This distance of approximately 2830 meters is approximately 340% greater than the claimed distance of approximately 640 meters.
- Picture 2 in the Appendix provides verification of this discrepancy.

6.1.10. Appeal by Robert Simpson and Lynne Pasley

- The applicable section for building heights in the County Development Plan 2016-2022 is Section 4.8 of Appendix 9 Building Height Strategy.
- Sandyford Village, where The Pastures site is located, is a "residual suburban area" without an applicable local area plan.

6.1.10.1. Building Heights

- Section 4.8 recommends a general height of two storeys for the area, with a maximum of 3-4 storeys permitted for apartment or townhouse developments in appropriate locations, specifically in the established commercial core.

- The proposed development at The Pastures is not located in a commercial core, as acknowledged in the DLRCC Planner's Report.
- None of the upward modifiers listed in Section 4.8.2 apply to the proposed development.
- The private paved area between Block A and Block B does not enclose any main public or green space and does not provide urban design benefits, contrary to the Planning Authority report.
- The rising topography behind and the mature treeline backdrop present in the Whinsfield development, southwest of The Pastures site, limit its visual impact to Lamb's Brook, which is not the case for The Pastures when viewed from Sandford Downs.
- The public transport accessibility upward modifier does not apply to the proposed development, as the Sandyford Road does not have a Quality Bus Corridor (QBC) and is not planned to have one.
- The site is more than three times the distance from the nearest Luas station as the 500m limit stated for the public transport accessibility upward modifier.
- The site is smaller than 0.5ha, so the upward modifier based on site size does not apply.
- The Planning Authority report raised significant concerns about the proposed height of each block, emphasising non-compliance with the County Development Plan's Building Height Strategy.
- The planning application for four and five storeys should have been refused permission, regardless of Planning Condition No. 2, which required a reduction in height of Block B by one storey.
- Extract from the DLRCC CDP 2016 -2022, Appendix 9 provided which sets out Policy for Residual Suburban Areas not included within Cumulative Areas of Control and Upward Modifiers.
- The Dún Laoghaire-Rathdown County Development Plan 2022-2028, Appendix 5 Building Height Strategy, Policy Objective BHS 3 states the policy objective of

promoting a general building height of 3 to 4 storeys in residual suburban areas, with a balance between protecting existing amenities and the character of the area.

- Any proposal must be assessed in accordance with the criteria set out in Table 5.1 of Section 5 of the Building Height Strategy², to demonstrate compliance with the criteria.
- The site of The Pastures is not well served by public transport with high capacity and frequent service, as required by Section 3.2 of the Urban Development and Building Height Guidelines.
- The requirement for public transport applies in the present tense, as established in the High Court judicial review decisions of O'Neill v An Bord Pleanála (2021 IEHC 58) and Ballyboden Tidy Towns Group v An Bord Pleanála (2022 IEHC 7).
- The current bus service frequency is every 30 minutes at peak times and once an hour at other times, and the nearest LUAS stop is a 1.7km / 22-minute walk away, indicating inadequate public transport to justify the proposed 5 storeys of Block A.
- The proposed development does not meet the criteria of making a positive contribution to the character and identity of the neighbourhood, respecting the form of buildings and landscape around the site's edges, and improving the public realm at the interface with Sandyford Road, as set out under Table 5.1 of the Development Plan 2022-2028.
- Considering the assessment of the Planning Authority report regarding the impact on existing residential amenity, the application of the DLRCC CDP 2022-2028 provisions would result in a maximum of 4 storeys for Block A and 3 storeys for Block B.
- Based on the presented facts and the application of the Building Height Strategy, the proposed development should not have been granted planning permission.
- Extract from Appendix 5 of the Dún Laoghaire-Rathdown County Council Development Plan provided.

6.1.10.2. **Parking requirements**

- On page 44 of the Chief Executive's Order (no. P/0413/22), it is stated that a reduction in residential units to 27 while retaining 26 car spaces would result in an average of 0.96 spaces per dwelling, which is considered acceptable in the accessible location.
- However, the Planner's Report and Further Information Request (ref. P/1700/21) recognise The Pastures as being in a peripheral and/or less accessible urban location, indicating a need for more parking spaces.
- The parking standards differ between the 2016-2022 and 2022-2028 County Development Plans.
- The 2016-2022 County Development Plan states that apartments and flats require 1 space per 1-bed unit, 1.5 spaces per 2-bed unit, and 2 spaces per 3-bed unit (depending on design and location).
- Based on these standards, the approved planning permission for 3 x 3-bed units, 16 x 2-bed units, and 8 x 1-bed units would require 36 parking spaces.

6.1.10.3. **Parking Zone 3**

- The Pastures site is located in Zone 3 according to the DLRCC County Development Plan 2022-2028.
- Zone 3 requires additional parking provision for visitors in residential schemes at a rate of 1 space per 10.
- In some instances, in zone 3 reduced provision may be acceptable dependent on the criteria set out in Section 12.4.5.2 (i) with particular regard to infill/brownfield developments in neighbourhood or district centres.
- The proposed development at The Pastures does not meet any of the assessment criteria for deviation from car parking standards as outlined in Section 12.4.5.2(i) of the Development Plan (Table 12.6).
- The area is not considered accessible based on the low frequency of bus services and the significant distances to shopping areas.

- According to Table 12.6 of the Development Plan, the approved planning permission for 3 x 3-bed units, 16 x 2-bed units, and 8 x 1-bed units would require a total of 33 parking spaces.
- However, the approved number of parking spaces for The Pastures is only 26, which falls below the requirement of 33 spaces set by the DLR County Development Plan 2022-2028 or the 36 spaces required by the County Development Plan 2016-2022.
- While a reduction in the height with the removal of one storey from Block B could slightly alleviate the parking issue with the removal of 1 x 1-bed unit and 2 x 2-bed units, it still would not meet the criteria specified in Table 12.6.
- Based on these findings, the proposed development should not have been granted planning permission.

6.1.11. Appeal by Stuart Parkinson

6.1.11.1. Height, Scale, Density and Massing

- The proposed height of Block B at 5 storeys and Block A at 3 storeys is deemed to be out of character and incongruous compared to the existing 2-storey houses in Lambs Brook, Sandyford Downs, and Coolkill. (Pictures 1 and 2 in the appendix provide visual reference).
- The County Development Plan recommends a maximum building height of 2 storeys for Sandyford Village.
- An Taisce's submission for this application points out that the development would contravene the Building Height Strategy outlined in the County Development Plan 2016-2022 (Section 2, submitted on 28/6/21).
- Sandyford Village should remain a low-rise area in keeping with the nature of the village itself.
- The density of the Pastures development is significantly higher compared to neighbouring developments such as Cul Cuille, Fitzsimons Wood SHD, and

Whinsfield Site. It is 2.5 times denser than Cul Cuille, 1.85 times denser than Fitzsimons Wood SHD, and 1.4 times denser than Whinsfield Site.

- Cul Cuille is located on the slip road to Coolkill estate and the eastern side of Sandyford Road (same side as the Pastures site). Fitzsimons Wood SHD is located at the corner of Lambs Cross and the Whinsfield Site is located on the opposite side of Sandyford Road.
- The impact of the proposed development on neighbouring properties and the surrounding area should be considered, including contiguous elevations and photomontages.
- Insufficient visual information has been provided by the applicant, and the planning permission may have been granted based on inadequate information on the visual impact. (Personal pictures in Appendix Section 2 show where the top of Block A will sit in the eye-line and vantage points around the neighbourhood).
- Overshadowing of properties, including No. 1 Lamb's Brook and properties along 14-19 Sandyford Downs, is a concern. The Council's decision to grant permission may not have adequately considered the overshadowing of properties in the vicinity.
- It is recommended that the planning permission be refused by An Bord Pleanála to allow for a more sympathetic development that aligns with the existing character of the local area.
- Examples of nearby developments with 2-3 storeys that blend in sympathetically are Turkington Rock Development at Sandyford Green, Cul Cuille, and Bigwood Properties Development (Pictures 4-6 in the appendix).

6.1.11.2. Parking/ Transport Impact

- The proposed development at The Pastures has insufficient car parking spaces, resulting in anticipated spill-over parking on adjacent roads, particularly on Lambs Brook.
- There is a deficit of 5 car parking spaces for The Pastures, with only one visitor parking space provided instead of the recommended 9 visitors' spaces.

- The planners' report (24/02/2022) states that the proposed development of 33 apartments requires 39/40 off-street parking spaces, resulting in a shortfall of 13/14 spaces. However, the approved plan only provides 26 parking spaces for 27 approved apartments, resulting in a shortfall of 5 spaces.
- As per the Planning Authority report, the Transportation Planning Section considers a reduced car parking standard of 1 off-street parking space per 1-2 bedroom apartment and 2 off-street parking spaces per 3 bedroom apartment. Furthermore, the report states that the proposed development is in a peripheral and less accessible urban location, which, as per the apartment Guidelines recommends the need for visitor parking at a rate of one space for every 3-4 apartments. However, The Pastures has only one allocated visitor parking space.
- The latest Census 2016 data indicates a 1:1 ratio of car ownership to occupied residences in the area, suggesting that most households own at least one car. Despite efforts to discourage car ownership, such as enhanced bus services, the risk of significant overspill parking remains high until these services are improved.
- The anticipated overspill parking is expected to be compounded by the residents of the Whinsfield development, which consists of 65 apartments located opposite Lambs Brook.
- The rural nature of the adjacent road network poses constraints on the capacity of the site, considering the limited access to public transportation and the distance to the nearest Luas station, Glencairn (22-minute walk or 7-minute cycle).
- The proposed bus services, Nos. 86 and L33, which are intended to provide direct routes to Sandyford Business Park and Stillorgan Luas station, are currently in the planning stage, and their frequency and time to destination are yet to be determined.
- The high density of 85 dwellings per hectare at The Pastures is deemed premature due to the lack of secured additional bus routes and sufficient road widening on Sandyford Road. This road is expected to experience increased traffic from multiple ongoing developments in Aitkens Village and Kilternan, further exacerbating the transportation situation.

- An Taisce's observation highlights that the development does not meet the criteria for exceptional public transport accessibility, as defined by the existence of a Quality Bus Corridor (QBC) within 100 meters on either side of the route. The proposed Bus Priority Route along Sandyford Road does not qualify as a QBC, and its implementation date remains uncertain.
- It is recommended that the planning permission be revoked by An Bord Pleanála and a more sympathetic and lower density development, consisting of 2-3 storeys, be considered due to the issues of parking overspill and constraints on existing transportation options.

6.1.11.3. **Premature piecemeal development**

- Development approvals along Sandyford Road should not be granted in a piecemeal fashion, as the approval of a high-density site on the western side (Whinsfield) should not set a precedent for the proposed high-density development at The Pastures site, which would disrupt the visual integrity of Sandyford Road and the established residential area.
- The statement that the area is in transition should not serve as justification for haphazard high-density development at The Pastures. Instead, a more thoughtful and holistic planning approach should be adopted to accommodate future developments along Sandyford Road.
- The cumulative impact of numerous developments in close proximity to Sandyford Road, such as The Pastures, Whinsfield, potential Strategic Housing Development (SHD) at Glenina/Karuna, Sandyford Green, Cul Cuille, and developments in Aikens Village, should be considered in light of the Smarter Travel - A Sustainable Transport Future initiative.
- The construction of a 5-storey building (Block A) facing Sandyford Road, directly opposite a similar building at Whinsfield, raises concerns about road widening and the potential need for a compulsory purchase order for Sandyford Road.

6.1.11.4. **Additional /Amendment of Conditions for Development Approval**

Habitat:

- The preservation of significant trees, groups of trees, and woodlands which form a significant feature in the landscape or are important in setting the character or ecology of an area, should be preserved, is a policy outlined in the County Development Plan 2016-2022.
- A specific tree in the southeast corner of the Pastures site should be protected as it serves as a feature for both the residents of the site and neighbouring properties.
- An Bord Pleanála is requested to add a condition that ensures the protection of existing trees on the site

6.1.11.5. **Boundary:**

- The proximity of existing homes to the boundary wall necessitates the installation of a suitable permanent wall boundary treatment.
- The proposed foliage (thuja plicata) is deemed inadequate due to its slow growth, security risks, unsightly appearance, and lack of noise mitigation during construction.
- A condition should be added to the planning permission to erect a suitable boundary wall (approx. 1.83m high) early in the construction process. The design and finish of the wall should be agreed upon with the primarily affected neighbours residing at Nos. 14-19 Sandyford Downs.

6.1.11.6. **Drainage and Flooding:**

- Reference to drainage and flooding concerns raised in the Stephen Mennell's observation, where it is stated that the gardens in The Pastures and the north end of Lambs Brook are subject to flooding during heavy rainfall. There is uncertainty that problems of local runoff and drainage have been adequately considered in development proposals in the vicinity.

6.1.11.7. Rock Breaking:

- The presence of hard granite in the area necessitates rock breaking during construction, as experienced in the nearby Whinsfield site which caused significant noise disturbance.
- An Bord Pleanála is requested to include conditions regarding working times, noise levels, and vibration thresholds to minimise disturbances caused by rock breaking.
- Non-impact driven rock breaking methods and continuous monitoring of noise, vibration, and dust should be implemented to mitigate the impact on local residents.

6.1.11.8. Construction Hours:

- Request for revised construction hours from 08:00-18:00 Monday to Friday instead of 08:00-19:00 to minimise disruption to residents.

6.1.12. Appeal by Stephen Mennell & Others

6.1.12.1. Parking Provision

- The proposed development has inadequate parking provisions considering the car dependency of the area, with many households requiring two cars.
- The current parking capacity of Lambs Brook is already strained with existing resident and visitor parking demands.
- Public transport options as an alternative to car use are insufficient.
- The bus services available in the area, such as the 114 to Blackrock and the 44B to Dundrum, have infrequent schedules, with the 114 running at most hourly and the 44B operating only five services per day during weekday peak periods.
- While the Bus Connects plan proposes new services (87 Belarmine to Mountjoy Square and 88 Enniskerry to Mountjoy Square), they are subject to future government funding and may only provide an hourly service, which falls short of the level of development planned in the Sandyford to Kiltoman corridor.
- The nearest Luas Green Line stops (Glencairn, Sandyford, Stillorgan, Kilmacud, and Balally) are located between 1.7 and 2.5 kilometres away.

- Access to supermarkets within walking distance is limited. The nearest supermarket, Supervalu at Balally, is approximately 1.4km away. Larger-scale supermarkets like Dunnes at Beacon South Quarter and Dundrum Town Centre are even farther, at distances of 2.00 km and 1.9 km, respectively. Carrying heavy shopping bags over such distances on foot is impractical.
- Restricting the number of parking spaces in the new development will not lead residents to rely solely on bicycles and public transport, but rather result in permanent overspill parking along Lambs Brook.

6.1.12.2. **Size and Height**

- The size and height of the proposed blocks in the development are not appropriate and will have a significant negative impact on the residents of Lambs Brook.
- The height of the buildings will result in severe overlooking, leading to a loss of privacy for existing residents.
- The density of housing on the small Pastures site is excessive. Mr Stuart Parkinson and Ms Andrea Cusack, in their third-party appeal, have provided data supporting this claim, and the appellants agree with their points.
- The northerly block of the Whinsfield development and the westerly block of the Pastures development, both five storeys tall and situated near the boundaries of their respective plots, would directly face each other, and cast shadows across Sandyford Road. This would create a localised canyon-like effect within what is currently a semi-rural landscape, which is likely to persist despite other developments in the area.

6.1.12.3. **Vehicular Access**

- Access for residents' cars in the proposed development is planned through Lambs Brook, a small and quiet cul-de-sac consisting of only 12 houses.
- This access arrangement is deemed unacceptable as it would create a significant traffic hazard and pose a danger to the children and existing residents of Lambs Brook.

- It is recommended that the future residents of The Pastures should instead use the original entrance to the Pastures via Sandyford Road to avoid this hazardous situation.

6.1.12.4. Construction and Drainage

- One condition of the planning permission granted by DLRCC for The Pastures development is that construction workers are prohibited from parking in Lambs Brook, but it is expected that they will disregard this condition.
- Similar conditions were imposed for the Whinsfield development construction workers, but they have frequently parked in Lambs Brook in large numbers.
- The overflow parking issue is anticipated to continue with residents and visitors of the completed Whinsfield development also using Lambs Brook as a parking area.
- Concerns are raised about the adequacy of the Lambs Brook slip road to handle heavy construction vehicles, which may further hinder access.
- The objection highlights that the gardens in The Pastures and the northern part of Lambs Brook are prone to flooding during heavy rainfall, and the potential impact of local runoff and drainage has not been sufficiently addressed in the development proposals.

6.1.13. Appeal by Fionnuala Treacey and Gabriel Treacey

6.1.13.1. Density

- The granted permission for 27 apartments at The Pastures results in a density of 85 units per hectare, which is considered excessive and not in line with the character of Sandyford Village and its surroundings.
- A development called Whinsfield, located across Sandyford Road from The Pastures, has approximately 65 apartments under construction at a density of 60 units per hectare.

- If the density of 60 units per hectare from Whinsfield were applied to The Pastures, it would result in approximately 19 apartments instead of 27.
- The Planning Authority Report from February 24, 2022, on page 44 of 76, acknowledges that the proposed density at The Pastures is high at 85 units per hectare, and significantly above the minimum density of 45 units per hectare recommended for intermediate urban areas.
- The proposed development at The Pastures contravenes the recommended building height of 2 storeys for Sandyford Village as outlined in the County Development Plan's Building Height Strategy.

6.1.13.2. **Building Height**

- The proposed development at The Pastures is out of keeping with the character of Sandyford Village and the surrounding area, particularly in the village triangle bounded by Sandyford Road, Hillcrest Road, and Bearna Way (M50 access road).
- The buildings within this area, including Sandyford House and St Mary's Church spire, are generally 2 storeys, and development should be restricted to a maximum height of 3 storeys.
- Cul Cuille, a recently completed development, consists of one small three-storey building with six apartments and six 2-storey houses.
- Sandyford Green, another recently completed development, features apartments, duplexes, and detached houses with a maximum height of 2.5 storeys.
- Churchlands, completed around 2006, is a development of 2-storey houses located at the northern end of the village main street.
- Near the corner of Bearna Park, there are 8 new houses built a couple of years ago and 5 more currently under construction, all of which are 2-storey or 2.5-storey buildings.
- These developments on infill sites in Sandyford Village blend into the local community and are consistent with the existing environment.
- Cul Cuille and Sandyford Green demonstrate that profitable developments can be achieved without excessive density or building height.

- The planning application for The Pastures is seen as an attempt to introduce excessive density on a small site with inadequate parking and site access provisions.

6.1.13.3. **Parking and Services**

- The grant of permission for The Pastures development has only approved 26 off-street parking spaces, which is deemed inadequate.
- According to the County Development Plan guidelines, the proposed development would require 38 off-street parking spaces.
- DLRCC Transportation Planning Section considers the residential parking standards in the DHPLG Design Standards for New Apartments appropriate for the site's location, with a benchmark guideline of 1 parking space per unit (27) plus 1 visitor space for every 3-4 apartments (8), totalling 35 spaces. This averages to 1.3 spaces per apartment.
- Observation of vehicle numbers on Sandyford Downs at night revealed 184, an average of 1.67 vehicles per occupied house, reflecting the reality of a suburban area with limited public transport options.
- Despite the presence of the Luas, which is a 25-minute walk from The Pastures, the local bus service is poor and insufficient to reduce personal car journeys.
- The planned 26 parking spaces for The Pastures will be inadequate, as there will likely be over 40 car owners living in the apartments, leading to parking overflow into Lamb's Brook and other nearby areas.
- The excessive density sought for The Pastures will result in a lack of adequate parking spaces for residents and visitors.
- Cul Cuille and Sandyford Green developments do not face parking issues because they were developed at a more appropriate density level, considering the need for two parking spaces per dwelling based on their respective locations.

6.1.13.4. **East Boundary Wall**

- The planning application lacks conditions for improving the existing boundary wall at the rear of gardens in Nos. 14-19 Sandyford Downs.
- The existing rear boundary wall is 1.6m high and the ground level of the Pastures will be higher than ground level of the rear of gardens in Nos. 14-19 Sandyford Downs.
- The current natural screening and barriers provided by the laurel hedge and wild area have contributed to the security of the area.
- Concerns are raised that the removal of these natural features will create easy access to the rear boundary wall of Sandyford Downs houses.
- A solid boundary wall treatment must be included in the design to address security risks for Sandyford Downs houses.
- The proposed overland flood routing for the Pastures site is towards the east, requiring the boundary wall to withstand pressure from surface water flow and accumulation in the event of significant rainfall and runoff.
- DLRCC Planning Dept. has expressed concerns about surface water drainage and questioned the design details and calculations submitted by the applicant.
- An Bord Pleanála is requested to impose a condition on the planning permission for the construction of a solid block/brick wall along the eastern boundary of the Pastures site.
- The wall should have a height of 2m on The Pastures side.
- It is requested that the wall be built on a new foundation to ensure structural integrity, rather than being built on top of the existing boundary wall.
- The appearance and finish of the wall should be agreed upon with the primarily affected neighbours, specifically the residents of 14-19 Sandyford Downs.

6.2. **Applicant Response**

The applicant did not further respond to the third party appeals.

6.3. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

6.4. **Observations**

6.4.1. A third-party observation was received from Neil and Olive Colin of No. 19 Sandyford Downs, Sandyford, Dublin. Issues raised are summarised as follows;

- The observers home borders the proposed development on the eastern boundary of the Pastures Site and are concerned that it will block the evening sun in summertime.
- Observers submitted a planning observation to DRCC during the planning procedures.
- It is accepted that the site will be developed for housing at a reasonable density, but it is considered that the density sought is excessive. However, the observers accept the reduced scale of the development as granted by DRCC.
- Concerns about overlooking and the loss of evening light due to the height and proximity of the development to the observer's home. It is acknowledged that the DLRCC grant has reduced the height of the rear block B closest to the observers dwelling.
- An Bord Pleanála is requested to uphold the DRCC grant as the maximum density and height for the rear block and rejects any request for additional units from the applicant.
- Other concerns, such as the need for defined working hours and requirements for noise and vibration monitoring, have been addressed in the DLRCC grant of permission. However, An Bord Pleanála is requested to tighten the requirements for noise and vibration monitoring, especially considering the extensive excavations required for stream diversion in a predominantly "Granite" area.
- There is an under-provision of parking at a location that is approximately a 25-minute walk to the nearest LUAS stop and poorly served by public transport. Observers estimate that there are currently more than 2 cars per household in

Sandyford Downs, and a similar situation will likely occur in The Pastures due to inadequate parking provision.

7.0 Further Responses

7.1.1. Further to the Applicant's first-party appeal submission, further response submissions were received from the following;

- Lynne Pasley and Robert Simpson
- Stuart Parkinson

7.1.2. The issues raised in these submissions are summarised below accordingly.

7.1.3. Lynne Pasley and Robert Simpson

- While the site falls within the LUAS catchment, the nearest LUAS stop is 1.7km away or a 22-minute walk, which is beyond the range of the defined upward modifiers in both the 2016-2022 and 2022-2028 County Development Plans.
- The sudden change in height from 2-storey dwellings to 4 and 5-storey buildings has a significant impact on the surrounding residential amenity.
- The Building Height Strategy outlined in the DLRCC County Development Plan 2022-2028, specifically Policy Objective BHS 3, emphasises the need to consider building height in residual suburban areas. The proposed heights in the Pastures development exceed the recommended guidelines.
- It is acknowledged that there is a need for increased housing, but it must be within the height and density guidelines set by the Dún Laoghaire-Rathdown County Development Plan.
- Reference to a future Strategic Housing Development (SHD) in the vicinity ('Glenina' and 'Karuna') is not appropriate since it has not yet been applied for, and the potential height exceeds the guidelines.
- Comparisons with the Whinsfield development across the road are not valid, as it does not directly overshadow 2-storey properties and has different boundary conditions.

- The 1st party appeal cites a statement made by the Planning Inspector in the Whinsfield application, and how the site meets two upward modifiers including public transport accessibility and site size, justifying higher densities.
- The Inspector in the Whinsfield application was presented with erroneous information. There was never a proposed quality bus corridor or bus priority route on this stretch of Sandyford Road.
- The Planning Authority expressed concerns about the proposed heights in the Pastures development and requested a reduction in the number of storeys for each block (3 storeys at the back and 4 storeys at the front).
- It is submitted that the original request for 3 and 4 storeys should be upheld to maintain the character and density of the surrounding area.
- The appeal states that Block B is set back 23.5 meters from the nearest property. However, this measurement only applies to the 2nd storey of Sandyford Downs and does not account for the ground floor, which is significantly closer. The actual distance between Block B and neighbouring buildings is approx. 14 meters.
- The appeal references various instances in planning history where heights were exceeded or distances between existing dwellings were reduced. However, these examples do not directly compare with the specific circumstances of the Pastures site.
- Introducing a 5-storey block into an area predominantly consisting of 2-storey buildings, with poor public transport infrastructure nearby, could have adverse effects on the current residents and the future occupants of the proposed apartments.
- The proposed development at the Pastures does not comply with local planning policies regarding building height and density.
- The increased heights and densities would have a negative impact on the residential amenity and urban fabric of the area.
- The reference to the development contribution LUAS catchment does not justify exceeding the height guidelines, as the site is not well-served by public transport according to the DLRCC Development Plan.

- The site is 1.7km or 22 min walk from the nearest Luas stop and is not adjacent to a current or proposed Quality Bus Corridor or Bus Priority Route.

7.1.4. **Stuart Parkinson**

- The proposed development does not accord with planning policy due to excessive density, inadequate protection of the Dublin Mountains' image, and insufficient parking.
- The site is classified as a "Peripheral and/or Less Accessible Urban Location" according to the Apartment Guidelines. Such locations have a maximum recommended density of 45 dwellings per hectare.
- Granting permission for the original 33 units on the 0.316-hectare Pastures site would result in a density of 104 dwellings per hectare, exceeding the recommended maximum by 2.5 times.
- This density is over 3 times higher than the density of the nearby Cul Cuille development, which demonstrates greater respect for adjacent properties.
- The Development Plan recommends a maximum of 2 storeys for Sandyford Village.
- An Taisce's submission for the application states that the proposed development would contravene the Building Height Strategy in the County Development Plan 2016-2022.
- The Planning Authority's Building Height Strategy emphasises the need to protect the image of the Dublin Mountains from intrusive development of inappropriate scale, height, and massing.
- Multi-storey buildings on the Village side of Sandyford Road, adjacent to 2-storey homes, would exceed the height of its surroundings.
- The Development Plan states that when development exceeds the height of its surroundings, an urban design and impact assessment study should be conducted to ensure it does not harm the setting of the mountain foothills and the image of Dublin Mountains.

- The proposed development lacks sufficient car parking spaces, resulting in an anticipated overflow of parking on adjacent roads, particularly Lambs Brook.
- With the 27 units, there is a deficit of 5 car parking spaces, including only one visitor parking space instead of the recommended 9 visitor spaces.
- If the development were expanded to 33 residential units, the deficit would increase to 13 car parking spaces.
- The parking situation would be further compounded by residents from the Whinsfield site development, which consists of 65 apartments, opposite Lambs Brook.
- The design statement provided by the applicant lacks comprehensive visual representations to assess the impact of the proposed development on the surrounding properties and amenity.
- The limited number of CGI drawings fails to demonstrate the potential overlooking, overbearing impact, and the overall impact on the adjoining properties.
- Missing visual representations include views from Block B to 14-19 Sandyford Downs, views of Block B from the residents of 14-19 Sandyford Downs, and the visual appearance of a 5-storey block from 1 or 2 Lambs Brook, which could be imposing and overbearing.
- The first party applicant states that there will be a difference in scale between existing low-density dwellings and any future development on the subject lands, and a visual transition should be expected.
- They claim that the proposed development will not result in any material impacts to residents in the area and that such transitions are necessary for consolidation and intensification of infill/brownfield sites.
- However, their hypothesis is misleading as it encompasses broad areas such as "Dublin City and suburbs" and makes general statements about the future of Dublin without considering the specific context of the Pastures site in Sandyford Village.
- The Pastures site is a semi-rural location with no well-connected transportation to Dublin City, unlike urban areas. It is closer to Barnacullia, a Landscape Character Area, than it is to the nearest Glencairn Luas stop.

- The mix of existing low-density and higher density developments should be considered based on the unique characteristics of each area, and in the case of the Pastures site, a density of 45 units per hectare (2-3 storeys) would be more appropriate than the proposed density of 104 units per hectare (4-5 storeys).
- The first party applicant references the "national critical demand for housing" to justify high-density development. However, it is important to note that critical demand for housing does not automatically mean that high-density sites are suitable in every location. The recommended maximum density for intermediate urban areas is 45 units per hectare, and densities of 85 units/ha and 104 units/ha proposed by the first party applicant exceed this recommendation. Furthermore, the proposed 33 units or 27 units would not significantly address the overall housing shortage.
- The first party applicant cites Strategic Housing Developments (SHDs) such as Green Acre Grange in Dundrum as precedents. However, these comparisons are inappropriate as they are not comparable to the smaller Pastures site. The Green Acre Grange SHD, for example, has caused privacy issues and visual intrusion for existing residents. The density and impacts of SHDs should not be used to justify increased density at the Pastures site.
- The first party applicant refers to Farranlea Road in Cork as a relevant example for assessing appropriate heights in Sandyford Village. However, this comparison is not relevant or appropriate, as Farranlea Road is located 217 km away and has different characteristics.
- The first party applicant also cites the Howth Road SHD as a relevant precedent. However, the Howth Road site is a brownfield site, which is different from the semi-rural nature of the Pastures site in Sandyford Village.
- The applicant mentions the Whinsfield development as a positive precedent. However, there is no quality bus or bus priority route on the stretch of Sandyford Road where Whinsfield is located. The lack of appropriate transport infrastructure should be considered when citing Whinsfield as a precedent for increased density.
- The first party applicant refers to an unapproved SHD in proximity to the Pastures site ('Glenina' and 'Karuna'), proposing a density of 175 units per hectare, to justify the proposed density of 104 units per hectare. However, this is an unreasonable

comparison, and the maximum recommended density for less accessible urban locations is 45 dwellings per hectare.

- The applicant uses catch-all phrases like "improve the streetscape of Sandyford Road," disregarding the concerns of Lambs Brook residents who view the development as inappropriate in terms of scale, density, and proximity, as detailed in the Lambs Brook Residents Association appeal submission.

8.0 **Assessment**

8.1.1. I have reviewed the proposed development and the correspondence on the file. I note the Planning Authority was satisfied that the proposed development accords with the policies, objectives and residential standards of the Dún Laoghaire-Rathdown County Development Plan. I am satisfied that the proposed development is acceptable in principle, in accordance with the zoning objective of the site. Having examined the application details and all other documentation on file and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal by both the first and third parties. I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. The main issues in the appeal are as follows;

- Density
- Building Height
- Overlooking
- Daylight, Sunlight and Overshadowing
- Parking Provision
- Drainage and Flood Risk
- Boundary Treatment
- Removal of Trees
- Site Notice
- Misrepresentation of Distances.

8.1.2. These issues are addressed below accordingly.

8.2. Density

8.2.1. Several of the third party appellants object to the proposed development on the grounds of its density, as detailed in Section 6.1.4 above. In summary, the following issues are raised in the objections received;

- The proposed 33 units on a 0.316 Ha site have a density of 103 units per hectare, which is considered excessive for a "Peripheral and/or Less Accessible Urban Location" like Sandyford Village.
- The granted permission for 27 no. apartments at The Pastures site results in a density of 85 units per hectare, which is considered excessive and not in line with the character of Sandyford Village and its surroundings.
- The proposed density significantly exceeds the recommended minimum of 45 units per hectare for intermediate urban areas, as stated in the Sustainable Urban Housing, Design Standards for New Apartments (2020).
- The Planning Authority acknowledges that the proposed density at The Pastures is high at 85 units per hectare, and significantly above the minimum density of 45 units per hectare recommended for intermediate urban areas.
- The Planning Authority in its initial report expressed concerns about the overdevelopment of the site and its potential impact on residential and visual amenity.
- Comparisons are made to nearby developments such as Whinsfield, Cul Cuille, and Sandyford Green, which have lower densities ranging from 36 to 60 units per hectare. The comparisons to other nearby developments highlight the disproportionate density of The Pastures.
- The high density apartment blocks, particularly the 5-storey Block A, are deemed unfitting and not in harmony with the surrounding low-rise character of Sandyford Village.
- The County Development Plan recommends a maximum of 2 storeys for Sandyford Village, indicating that the proposed height and density are not in line with the plan's guidelines.

8.2.2. The Planning Authority in its assessment noted that the proposed 33 units on a 0.316-hectare site results in a density of 103 dwellings per hectare. The Planning Authority acknowledges that the subject site falls within an Intermediate Urban Location suitable for higher-density development, as outlined in the Sustainable Urban Housing, Design Standards for New Apartments (2020). Furthermore, the Planning Authority acknowledge that the site is situated c. 1 km from the Beacon Hospital and 1.2 km from Sandyford Business Park, a significant employment district. The Planning Authority identify relevant housing policies from the Development Plan which encourage higher residential densities and the provision of diverse housing types. However, considering the existing built form, the location towards the fringes of the city, and Circular NRUP 02/2021's (Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)) indication of a more restrained approach to density at urban edges, the Planning Authority consider the proposed density indicative of overdevelopment at this particular site. In light of this, the Planning Authority in the further information response report recommends removing the second floor of Block B, reducing the unit count from 33 to 27. This adjustment would result in a revised density of 85 units per hectare. This was imposed by way of Condition No. 2 to the grant of permission. The Planning Authority acknowledge in the further information response report that this reduction is a step towards addressing the issue, however states that it is still significantly higher than the recommended minimum density of 45 units per hectare for intermediate urban areas, as stated in the Design Standards for New Apartments (2020).

8.2.3. In the first-party grounds of appeal, the Applicant requests the omission of Condition Nos. 2 and 3 from the granted permission for the proposed development of 33 residential units. Condition No. 2 pertains to the omission of the second floor of Block B, while Condition No. 3 restricts the development to 27 residential units only. Regarding density, the Applicant contends that the proposed 4-storey Block B development is appropriate for the location and site. The applicants highlight that neighbouring sites to the north, namely 'Glenina' and 'Karuna,' are also pursuing permission for a Strategic Housing Development (SHD) under the same planning consultants (Thornton O'Connor Planning Consultants) with the aim of achieving compatibility with the proposed development. The Applicant asserts that the density

of the proposed development stands at 103 units per hectare, which is lower than the neighbouring site's proposed density of 175 units per hectare. The applicants further contend that the immediate area surrounding The Pastures is undergoing a transition and densification process.

- 8.2.4. Taking into account the aforementioned considerations, I consider it necessary to assess the density of both the proposed and permitted development in accordance with the policies on density outlined in the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and relevant planning guidelines. The issue of building height and the applicant's request to remove Condition Nos. 2 and 3 from the Planning Authority's granted permission, pertaining to this which relate to the removal of the second floor of Block B and limiting the development to 27 residential units, will be addressed in greater detail in the subsequent section titled 'Building Height'.
- 8.2.5. The stated area of the site is 0.32 hectares, and the proposed development comprises 33 no. apartment dwelling units. This yields a density of c.103 units per hectare. The development as permitted by the Planning Authority subject to Condition Nos. 2 and 3 comprises 27 apartment dwelling units, yielding a density of c. 85 units per hectare.
- 8.2.6. Section 12.3.3.2 of the Development Plan (2022-2028) refers to 'Residential Density' and states the following;

'In general, the number of dwellings (houses or apartments) to be provided on a site should be determined with reference to the Government Guidelines document:

- *'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (2009).*
- *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2020).*

As a general principle, and on the grounds of sustainability, the objective is to optimise the density of development in response to type of site, location, and accessibility to public transport'.

- 8.2.7. Chapter 5 of the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (2009) sets out appropriate locations for increased densities. These can be summarised briefly as follows;

City and Town Centres: There should be no upper limit on the number of dwellings in city or town centre sites, as long as they comply with open space standards, protect residential amenity, conform to urban form as expressed in Development Plan, and comply with plot ratio and site coverage standards.

Brownfield Sites: Redevelopment of brownfield lands in city or town centres should be encouraged, especially if they are close to public transport corridors. Higher densities are permissible, subject to the aforementioned safeguards.

Public Transport Corridors: Sustainable settlement patterns with higher densities should be promoted within 500 meters of a bus stop or within 1 km of a light rail stop or rail station. Minimum net densities of 50 dwellings per hectare, decreasing with distance from transport nodes, should be applied. Parking standards should reflect proximity to public transport facilities.

Inner Suburban/Infill: Additional dwellings should be provided within inner suburban areas near existing or planned public transport corridors. Infill development and subdivision of large houses into multiple dwellings are encouraged, with consideration given to protecting amenities, character, and open spaces.

Outer Suburban/Greenfield Sites: Development on the periphery of cities or larger towns should aim for net residential densities of 35-50 dwellings per hectare. Lower densities below 30 dwellings per hectare should generally be discouraged to maximize land efficiency.

8.2.8. Section 2.4 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (updated in 2022) sets out types of locations in cities and towns that may be suitable for apartment development, having regard to proximity and accessibility considerations, including 1) Central and/or Accessible Urban Locations, 2) Intermediate Urban Locations and 3) Peripheral and/or Less Accessible Urban Locations.

8.2.9. Central and/or Accessible Urban Locations are described as follows;

Such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- *Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;*
 - *Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and*
 - *Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.*
- The range of locations outlined above is not exhaustive and will require local assessment that further considers these and other relevant planning factors.*

8.2.10. Having regard to the criteria under Central and/or Accessible Urban Locations, the Pastures site is located c. 1.4km / 20 min walk from the Beacon Hospital, adjacent Stillorgan Business Park and Sandyford Business Park (as mapped on Sandyford.ie), and c.1.5km / 22 min walk from the south-western corner of the Beacon South Quarter. The site is located c. 1.9km / 23 min walk from the Glencairn Luas Stop, c. 2.2km / 26 min walk from the Kilmacud Luas Stop and c. 2.6km / 31 min walk from the Stillorgan Luas Stop. The closest bus stops within 500 metres of the appeal site serve bus route nos. 44, 44B and 114 along the Sandyford Road/R117 and R113. These bus routes are not high frequency (i.e., min. 10 minute peak hour frequency) urban bus services. Given that the site is located within 1,500m of the Beacon Hospital, Sandyford Business Park, Sandyford Business Park, and Beacon South Quarter, all of which are significant employers, it is my view that the site complies with the criteria of an 'Accessible Urban Location', as specified under Section 2.4 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2022).

8.2.11. Section 2.4 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities describe Intermediate Urban Locations as follows;

Such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net), including:

- *Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;*
- *Sites within walking distance (i.e. between 10-15 minutes or 1,000- 1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided;*
- *Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services. The range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors*

8.2.12. Having regard to the criteria under Intermediate Urban Locations, the site is not located within 800-1,000m of a suburban centre or employment location, that may include a hospital or third level institution. Lands located c. 222m to the south of the site at the junction of the R117 and R113 are zoned 'NC' with the objective 'To protect, provide for and-or improve mixed-use neighbourhood centre facilities'. However, these lands on the northern side of the R113 are undeveloped and lands on the southern side of the R113 contain a small parade of mixed-use commercial/convenience retail development. Sandyford Village is located c. 950 metres / 12 min walk to the north-east and is also zoned 'NC' with the objective 'To protect, provide for and-or improve mixed-use neighbourhood centre facilities' and is located c. 950 metres / 12 min walk to the north-east. Section 7.5.4 of the Development Plan describes 'Neighbourhood Centres' as usually containing convenience retail ranging in size from 1,000-2,500 sq. m. with a limited range of supporting shops and retail services and possibly other services such as post offices, community centres or health clinics grouped together to create a focus for the local population'. While not defined in the Sustainable Urban Housing: Design Standards for New Apartments, the Development Plan describes District Centres and Neighbourhood Centres under Sections 7.5.3 and 7.5.4 respectively, with reference to the RSGDA (Retail Strategy for the Greater Dublin Area 2008-2016) whereunder suburban centres are described under Section 4.38 as coming under the category of 'District Centres'. The appeal site is not located within 1,000 metres of a District Centre.

8.2.13. As detailed above, the site is not located within 1,500m of a high capacity urban public transport stops or within reasonable walking distance (i.e., between 5-10 minutes or up to 1,000m) of high frequency (i.e., min 10 minute peak hour frequency) urban bus services. I note that the bus route nos. 44, 44B and 114 along the Sandyford Road/R117 and R113 are not reasonably frequent (i.e., min 15 minute peak hour frequency).

8.2.14. Bus network proposals under the BusConnects scheme details how the bus network serving the site will be upgraded with a more frequent and efficient service. The proposed 86 and L33 bus services will provide a direct bus service to Sandyford Business Park and Stillorgan LUAS station from the site. Route No. 86 is a Radial Route linking Ticknock - Goatstown - Mountjoy Square, with a frequency every 30 mins Mon-Sat. Route No. 87 is a Radial Route linking Belarmine - Dundrum - Mountjoy Square, with a frequency every 60 mins Mon-Sat. Route No.88 is a Radial Route linking Enniskerry - Belarmine - Dundrum - Mountjoy Square, with a frequency every 60 mins Mon-Sat. Route L33 is a Local Route linking Glencullen – Dundrum, with a frequency every 60 mins Mon-Fri. It is noted that a Dublin Bus Orbital Route (S8) is proposed along the road adjoining the southern side of the M50. However, this road is segregated and not accessible to pedestrians. On this basis, it is my view that the location of the site does not accord with the criteria under ‘Intermediate Urban Locations’.

8.2.15. Peripheral and/or Less Accessible Urban Locations are described in Section 2.4 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities as follows;

Such locations are generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will also vary, but broadly <45 dwellings per hectare net), including:

- Sites in suburban development areas that do not meet proximity or accessibility criteria;
- Sites in small towns or villages.

- 8.2.16. Given that the location of the appeal site complies with the criteria of 'Central and/or Accessible Urban Locations', as detailed above, I do not consider the site is located in a 'Peripheral and/or Less Accessible Urban Locations'.
- 8.2.17. In considering the density of the site, regard should also be had to the density of recently permitted development in the vicinity. As detailed in Section 4.0 above, the adjacent site to the west known as 'Whinsfield', as permitted on appeal under ABP Ref. 302954-18 has a density of 60 units per hectare. This density was deemed acceptable having regard to Paragraph 2.1.3.3 of the Dun Laoghaire Rathdown County Council County Development Plan 2016-2022 which stated that higher densities with a minimum of 50 units per hectare will be encouraged for sites located within circa 1 km pedestrian catchment of a Quality Bus Corridor (QBC) and that a QBC was then proposed for Sandford Road in accordance with the provisions of the County Development Plan. Having regard to the Bus Connects 2021 map for the Dundrum area, I note that the Sandford Road adjoining the site is designated a 'City Bound Route', 'Local Route' and a 'Peak Times Route'.
- 8.2.18. The decision of the Strategic Housing Development (SHD) on the adjoining site to the north ('Glenina' and 'Karuna') comprising 137 no. apartments has not been determined at the time of writing this report.
- 8.2.19. In consideration of the above, it is my view that the density of the proposed development is acceptable at this location. The site falls within an "Accessible Urban Location" as per the Sustainable Urban Housing: Design Standards for New Apartments (2022). It is situated within proximity to significant employment districts such as the Beacon Hospital and Sandford Business Park. This classification supports higher-density development. The site's proximity to these significant employment centres and amenities supports higher-density development. It promotes sustainable living by reducing the need for extensive commuting, curbing travel demand, and encouraging alternative modes of transportation. The Dún Laoghaire-Rathdown County Development Plan 2022-2028 and the relevant planning guidelines encourage optimised density in response to site type, location, and accessibility to public transport. The proposed development complies with these policies by providing housing in a location suitable for higher densities. The immediate area surrounding the site is undergoing a transition and densification process, as evident with Whinsfield located opposite. This indicates a trend towards increased development intensity and

higher densities, making the proposed density in line with the evolving character of the area. Such development aligns with Policy Objective PHP18 of the DLRC Development Plan 2022-2028 which refers to residential density and seeks 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'. The density of the proposed development also aligns with National Policy Objective 35 of the National Planning Framework which seeks to 'Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'. On this basis, I conclude that the density of the proposed development complies with the Dún Laoghaire-Rathdown County Development Plan policy regarding and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines classification of the site as an 'Accessible Urban Locations' where such locations are suitable for higher density development. I recommend, therefore, that the proposed development is not refused permission on these grounds of appeal.

8.3. **Building Height**

8.3.1. Several of the third-party appeals object to the proposed development on the grounds of its building height and its inconsistency with the character of Sandyford Village and its surrounding area. Appellants contend that the proposed development is not in keeping with the village's character, as existing buildings in the village are predominantly two storeys, with notable exceptions like St. Mary's Church spire. Appellants submit that recent developments in the area, such as Cul Cuille, Sandyford Green, Churchlands, and those near Bearna Park, have maintained a height of 2-3 storeys. The appellants highlight these examples to argue that profitable and harmonious developments can be achieved without excessive density or height.

8.3.2. In terms of height, the appellants assert that the proposed development fails to meet the criteria for additional height and upward modifiers as per the Dun Laoghaire-Rathdown County Development Plan and its Building Height Strategy. They contend that the subject site does not qualify for upward modifiers as it is not a prominent corner site, a large redevelopment site, adjacent to key public transport nodes, and that the

development would have a detrimental effect on the existing character and residential amenity of the surrounding area.

- 8.3.3. The appellants contest the Planning Authority's claim that the development meets one upward modifier criterion related to higher densities in an area with public transport accessibility. They submit that the location is not easily accessible to public transport, citing a 22-minute walk to the LUAS Glencairn station. Furthermore, an appellant raises concern that any 4 or 5-storey buildings on the subject site will block all or part of the view of the Three Rock Mountain from Coolkill, a public road.
- 8.3.4. In terms of residential amenity, appellants express concerns about overlooking and loss of privacy for residents of Lambs Brook due to the proposed development's height. They assert that the height of the buildings would cause significant overshadowing and overlooking, leading to a substantial loss of natural light, views, and privacy for affected residents.
- 8.3.5. The appellants emphasise that the proposed development does not meet the criteria set out in Table 5.1 of Section 5 of the Building Height Strategy (Appendix 5) of the Dún Laoghaire-Rathdown County Council Development Plan 2022-2028. They contend that the site is not well served by public transport, does not make a positive contribution to the character and identity of the neighbourhood, and does not respect the form of buildings and landscape around the site's edges.
- 8.3.6. In light of these points, the appellants contend that the proposed development at The Pastures should not have been granted planning permission. They assert that the application fails to comply with the Dún Laoghaire-Rathdown County Development Plan 2022-2028 provisions and its Building Height Strategy and does not respect the existing residential amenity or the character of Sandyford Village.
- 8.3.7. The first-party grounds of appeal focus on the applicant's request to omit Condition Nos. 2 and 3 from the Grant of Permission for a 33-unit residential development at The Pastures. The applicant submits that the proposed 4-storey Block B development is appropriate for the site and aligns with nearby developments, such as Whinsfield, which has been granted permission for a 5-storey block with a height of 16.4 meters. The applicant contends that the 4 and 5-storey blocks in The Pastures, with maximum heights of 15.115m and 12.565m, respectively, are suitable for the core urban location within the LUAS catchment area.

- 8.3.8. The applicant maintains that the originally proposed height of 4-storeys for the rear block (Block B) is appropriate, despite the Planning Authority's concerns regarding non-compliance with the County Development Plan's Building Height Strategy and potential overshadowing and overbearing impacts on adjacent properties. The applicant emphasises that increased building heights have been considered suitable in the area, based on planning history, and provides site-specific reasons to support their stance. In light of these arguments, the applicant seeks permission for the originally proposed 33 no. units, as opposed to the currently granted 27 no. units, by omitting Condition Nos. 2 and 3 from the Grant of Permission.
- 8.3.9. The Planning Authority, in its first report, raised concerns regarding the height of the proposed development, specifically regarding the setbacks and height of Block B. While an overall separation distance of c. 23.5m is achieved, the Planning Authority had concerns that the four-storey height of Block B could negatively impact the visual amenity of existing properties in Sandyford Downs. The report noted the Development Plan Building Height Strategy, which recommends a maximum of two storeys in this 'residual suburban area' area, with upward modifiers potentially permitting 3-4 storeys, provided they do not adversely affect existing character and residential amenities.
- 8.3.10. The Planning Authority, in its first report, does not find the proposed five-storey height of Block A justifiable but considers a four-storey building at the front of the site compliant with the Building Height Strategy. Furthermore, the Planning Authority considers that the proposed four-storey height of Block B is not acceptable due to its potential adverse visual impact, overbearing nature, and overshadowing of nearby properties.
- 8.3.11. Further information was sought from the applicant, who contended that the proposed heights were not excessive, particularly given national planning policy. The applicant provided examples of other developments with similar heights and argued that the site's location justifies increased building heights. Despite the applicant's response, the Planning Authority remained concerned about the excessive height of Block B and the proposal's non-compliance with the County Development Plan's Building Height Strategy. As a result, the Planning Authority imposed conditions requiring the omission of the second floor of Block B, reducing the development to 27 residential units, and limiting Block B to three storeys. This change addresses the Authority's concerns

regarding excessive height, visual impact, and potential overbearing effects on adjacent properties, as well as car parking provision.

- 8.3.12. Taking into account the aforementioned considerations, I consider it necessary to assess the building height of both the proposed and permitted development in accordance with the Development Plan policies on building height and relevant planning guidelines. Impacts on residential amenities of neighbouring properties regarding overlooking and overshadowing will be assessed under separate headings further below.
- 8.3.13. The proposed development comprises the construction of 2 no. apartment blocks (Block A and block B) providing 33 no. apartments in total. Overall, these blocks provide 10 no. one-bedroom units, 20 no. two-bedroom units, and 3 no. three-bedroom units.
- 8.3.14. Block A, located on the site's western portion, comprises a five-storey structure with a front elevation facing Sandyford Road. It has a hip-ended roof profile and measures 15.11 meters high or 133.61 meters OD. The front elevation width is 18.66 meters as viewed from the west, while it measures 19.45 meters when viewed from the south. The ground floor provides 2 no. three-bedroom apartments, a switchroom (6.7 sq.m.), and a storeroom (6.7 sq.m.). Each of the first, second, and third floors consist of 1 no. one-bedroom and 2 no. two-bedroom units, while the fourth floor contains 2 no. three-bedroom apartments.
- 8.3.15. Block B, situated on the eastern part of the site, is a four storey structure with an overall height of 12.56 meters or 131.06 meters OD. It also has a hip-ended roof profile. When viewed from the west, its front elevation width is 34.3 meters, and from the south, its side width is 23.28 meters. The ground floor provides 4 no. apartments, which include 2 no. one-bedroom and 2 no. two-bedroom units. The first and second floors each contain six apartments, comprising 2 no. one-bedroom and 4 no. two-bedroom units. The third floor provides four apartments, including 1 no. one-bedroom unit, 2 no. two-bedroom units, and 1 no. three-bedroom unit. Block B also provides several ancillary facilities including a secure bicycle store with 76 spaces, a bin store, a switchroom, a generator room, and a tank room.
- 8.3.16. The submitted contextual drawings reveal that the closest two-storey dwelling, no. 1 Lamb's Brook, on the adjacent southern lands, has a ridge height of c. 8.8m / 127.74m

O.D. The two-storey dwelling 'Karuna' on the adjacent northern lands to the north has a height of c. 6.7m / 124.28m OD. The closest two-storey dwelling in Sandyford Downs, to the rear/west of the site, has a roof ridge height of 8.8m / 126.33m OD. Across the road to the west, the residential development known as 'Whinsfield' consists of 65 units in two five-storey blocks, with Block B located closest to the appeal site, having a height of 16 meters (as detailed in the Inspector's report under ABP Ref. 302954-18), and a setback of 12.5 meters from the roadside boundary.

8.3.17. Policy Objective PHP42 of the Development Plan refers to 'Building Design & Height' which seeks to '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)'. Thereunder, Policy Objective BHS 1 refers to 'Increased Height' and states the following;

It is a policy objective to support the consideration of increased heights and also to consider taller buildings where appropriate in the Major Town Centres of Dún Laoghaire and Dundrum, the District Centres of Nutgrove, Stillorgan, Blackrock, and Cornelscourt, within the Sandyford UFP area, UCD and in suitable areas well served by public transport links (i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route) provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area. (NPO 35, SPPR 1& 3).

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 areas mentioned above. In those instances, any such proposals must be assessed in accordance with the performance based criteria set out in table 5.1 which is 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 for the area.

8.3.18. As detailed above, the site is not located within 1000 metre/10 minute walk band of LUAS stop, DART Stations, or Core/Quality Bus Corridor or 500 metre/5 minute walk band of a Bus Priority Route. Furthermore, the site is not located in a Major Town or District Centre and is not located within the Sandyford Urban Framework Plan. As such, Policy Objective BHS 1 does not pertain to the appeal site.

8.3.19. Policy Objective BHS 3 refers to 'Building Height in Residual Suburban Areas' and states the following;

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 the reasonable protection of existing amenities including residential 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 below 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 for the area.

8.3.20. Appendix 5, Section 4.4 details how 'areas not covered by an existing or forthcoming Local Area Plan or other guidance/policy as set out in this plan and not falling into objective F, B, G or GB are termed residual suburban areas'. Having regard to the location and zoning objective 'A' of the site, I consider that the appeal site is located in a 'Residual Suburban Area'.

8.3.21. Given that Block B comprises a four-storey building, its building height aligns with Policy Objective BHS 3, which seeks to promote a general building height of 3 to 4 storeys in residual suburban areas. Its impact on the residential amenity of neighbouring properties will be addressed further below accordingly.

8.3.22. Block A comprises a five-storey building and does not strictly align with Policy Objective BHS 3, which promotes a general building height of 3 to 4 storeys in residual suburban areas. Therefore, in accordance with Policy Objective BHS 3, it is required to assess the height of Block A against the performance based criteria outlined in Appendix 5, Table 5.1 for increased height. I have assessed the proposed development against the criteria below accordingly, as follows;

8.3.22.1. County Level Considerations:

a. The proposal aligns with the objectives of the National Planning Framework (NPF) by providing residential units within an urban area, fulfilling targets in relation to infill development and delivering compact growth.

b. The site falls under the jurisdiction of Policy Objective BHS 3 and, as such, is not required to meet the specified distances from public transport services, as specified in the footnote to Table 5.1.

c. The proposal would not be significantly out of character with the pattern of development in the surrounding area, having regard to the recently permitted 5-storey Whinsfield apartment development located opposite the site.

d. The proposal would not disrupt any protected views or prospects.

e. The site is located in a fully serviced urban environment which has the infrastructural capacity to serve the proposed development.

8.3.22.2. District/Neighbourhood/Street Level Considerations:

a. The proposal demonstrates compliance with priority criteria No. 1 'Context', specifically pertaining to density, as set out in the "Sustainable Residential Development in Urban areas, Guidelines for Planning Authorities" 2009, accompanying Urban Design Manual (page 10) and the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2020), as required under Section 12.3.3.2 of the Development Plan (2022-2028). This is addressed in Section 8.2 above.

The site provides good connections for pedestrians, with a footpath along Sandyford Road. However, there is no bicycle lane along this road. The site is located c. 1km / 12 min walk from Sandyford Village. Regarding inclusivity, the design and layout of

the proposal enable easy access for all. Areas of open space are well landscaped, clearly defined and overlooked. The layout of the proposal provides an active street frontage onto Sandyford Road. Each apartment has access to an area of useable private outdoor space. Concerns raised regarding overlooking and car parking provision are addressed further below.

b. The proposed design avoids monolithic construction, eliminating long, unbroken walls characteristic of slab blocks.

c. The proposal uses high-quality, well-considered materials, as detailed in Sections 6.4-6.6 of the Design Statement submitted.

d. The site is not in an area vulnerable to flooding, according to the OPW Flood Maps.

e. The front elevation of Block A would maintain a setback of 6m from the edge of the public road, thereby providing a substantial elevation to the street.

f. Block A provides a diverse mix of apartment sizes.

i. The height of Block A would mirror the height of the Whinsfield apartment block located opposite the site, on the western side of Sandyford Road, thereby ensuring consistency with the character of recently permitted development in the vicinity. The hipped roof profile of Block A minimises the fifth-floor block edging of the proposal.

j. The potential impact of the proposal on the residential amenity of neighbouring properties will be addressed further below.

8.3.22.3. Site/Building Scale Considerations:

a. The proposal optimises access to natural daylight, ventilation, and views, as detailed in the Daylight and Sunlight Assessment Report submitted.

b. The proposal adheres to quantitative performance standards on daylight and sunlight, as per the BRE guidance "Site Layout Planning for Daylight and Sunlight".

e. The proposal demonstrates Energy Performance Coefficient (EPC) and Carbon Performance Coefficient (CPC) compliance with Part L of the Building Regulations 2019 and an indicative Building Energy Rating (BER) of A2.

8.3.22.4. **County Specific Criteria Considerations:**

a. A design statement has been submitted, providing a contextual analysis and a summary of comparable residential schemes in the vicinity. It also provides a design rationale and justification for the proposed development, detailing (inter alia) its layout, building form, massing, height, facade treatment, and materials palette

b. Taking into account the context, location, and orientation of the proposed development, along with the five-storey height of the adjacent Whinsfield development, it is considered that the proposal's scale, height, and massing will not be obtrusive in the Dublin mountain foothill landscape that characterises this part of the County.

8.3.23. In consideration of the above, I conclude that the proposed 5-storey height of Block A is acceptable within the context of the residual suburban areas of the county, with reference to Policy Objective BHS 3 and the performance-based criteria in Table 5.1 of the Building Height Strategy in Appendix 5 of the Development Plan.

8.3.24. While the prevailing height in the immediate vicinity is less than five storeys, there are existing structures in the broader area which are of a similar scale, including the adjacent Whinsfield development, as permitted on appeal by the Board under ABP Ref. 302954-18. Therefore, a 5-storey building at this location would not be out of character or significantly taller than other buildings in the local area. The proposed development's design, form, and materials are in keeping with the character of the area and would further enhance the architectural diversity of the locality, aligning with Policy Objective BHS 3 and the performance-based criteria detailed in Table 5.1 of the Building Height Strategy in Appendix 5 of the Development Plan. I recommend, therefore, that the proposed development is not refused permission on these grounds of appeal. Furthermore, I recommend that Conditions Nos. 2 and 3 imposed by the Planning Authority be omitted in the event of a grant of permission. Such Conditions are unwarranted having regard to the above and as shall be seen in subsequent sections which address impact of residential amenities of neighbouring properties.

8.4. **Overlooking and Overbearing Impact**

8.4.1. Several of the third-party appellants object to the proposed development on the grounds that it would result in overlooking and loss of privacy of neighbouring houses

and their gardens. It is submitted that the height of the proposed four and five-storey apartment blocks would expose all residents of Lambs Brook to an invasion of privacy, as their homes would be subject to increased visibility from the proposed buildings. It is submitted that the computer-generated images (CGIs) fail to demonstrate the potential overlooking of neighbouring properties.

8.4.2. The Planning Authority's initial report acknowledged the proposed setbacks of 2m to 4m from Block A and Block B to the northern property boundary, which necessitates the removal of existing trees. However, it was noted that no habitable room windows were planned above ground floor level, and due to the orientation of the Blocks, there would be no significant overshadowing that could adversely impact the development of the neighbouring site to the north. Thus, the Planning Authority found these setbacks acceptable.

8.4.3. The Planning Authority raised concerns regarding the setback of Block B, located c. 12m from the eastern boundary, adjacent to lower-scale dwellings in Sandyford Downs. While an overall separation distance of approximately 23.5m was achieved at the narrowest point between opposing habitable room windows, the Planning Authority still expressed reservations about this setback. The proposed transition in height to four storeys for Block B was deemed to potentially impact the visual amenity of the existing properties in Sandyford Downs, with a roof design considered bulky and overbearing for the surrounding built-in context. The Authority requested further information from the applicant to address these concerns, suggesting that the removal of the fourth floor from Block B could partially alleviate the issue.

8.4.4. In response to the additional information received, the Planning Authority considered the proposed setback of c. 12.5 meters from the eastern boundary for Block B, adjacent to lower-scale dwellings in Sandyford Downs. While the overall separation distance of approximately 23.5 meters between opposing habitable room windows was achieved, the Planning Authority expressed concerns about the bulky and overbearing roof design within this context. The Planning Authority's suggestion to omit a floor from Block B was not favoured by the applicant. Additionally, an alternative roof design option submitted by the applicant was deemed insufficient in mitigating the bulk and height impact of the proposed four-storey Block B, thus not addressing the overbearing concerns. The Planning Authority maintained that the proposed four-storey height of Block B was excessive, resulting in an overbearing impact on the

residential amenities of dwellings to the east. Accordingly, the Planning Authority imposed Conditions Nos. 2 and 3 requiring the omission of the second floor of Block B, reducing the overall quantum of development to 27 no. apartments only. The applicant's first-party appeal requests the omission of these Conditions, as detailed in Section 6.1.2 above.

- 8.4.5. Based on the considerations above, an assessment of overlooking and overbearing impact on neighbouring properties is required.
- 8.4.6. As detailed previously, the proposed Block B is situated on the eastern part of the site and comprises a four-storey structure with an overall height of 12.56 meters and a hip-ended roof profile provided to the fourth floor, as initially proposed. Block B would maintain a separation distance of c. 11.9m from the southern site boundary and 13.9m between its southern side elevation and the northern side elevation of No. 1 Lambs Brook, which is located on the adjoining lands to the south. The eastern rear elevation of Block B provides a separation distance of c. 23.5m from the rear western elevation of No. 15 Sandyford Downs and c. 26.6m from the rear elevation of No.17 Sandyford Downs. In addition, a separation distance of c. 31.5m would be maintained between the north-eastern corner of Block B and the primary rear elevation of 2.5-storey dwelling No. 30 Coolkill, situated on adjacent lands to the northeast. Block B would also maintain a minimum separation distance of c. 2.2m from the northern boundary and c. 34m from the southern elevation of the two-storey dwelling 'Karuna' on adjoining lands to the north. These separation distances comply with Section 12.8.7.1 of the Development Plan, which states that 'A minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, for new developments'.
- 8.4.7. The Landscape Plan details that the existing 3m high dense mature hedging along the eastern site boundary is to be removed and replaced with 3-4m high hedging closer to the eastern boundary. The tall mature coniferous trees located on adjoining lands along the northern boundary will remain in situ.
- 8.4.8. Having regard to the height (12.56m) and hipped roof profile of the proposed Block B, the separation distances provided which exceed the minimum standards set out in Section 12.8.7.1 of the Development Plan, I am satisfied that the proposed development would not adversely impact the residential amenities of neighbouring

properties by way of overlooking or overbearing impact. Furthermore, the provision of 3-4m high hedging along the eastern boundary, and the retention of the existing tall mature trees on adjoining lands to the north would offer an additional layer of screening and privacy and help soften and minimise the visual impact of the proposal when viewed from adjoining lands to the north and east. I acknowledge that the separation distance between Block B and the southern boundary is only c. 11.9m from the southern site boundary and 13.9m between its southern side elevation and the northern side elevation of No. 1 Lambs Brook. However, the rear elevations of dwellings in Lambs Brook are orientated in an easterly direction. The northern side elevation of No. 1 Lambs Brook does not contain any windows serving habitable rooms. As such, direct overlooking between opposing first-floor windows would not occur. There are no specific residential standards requiring minimum separation distance between proposed developments and private amenity spaces in the Development Plan or relevant planning guidelines. I am of the view, therefore, that the proposed development is not refused permission on this basis.

- 8.4.9. A separation distance of 18m would be maintained between the eastern rear elevation of Block A and the western front elevation of Block B. While this does not adhere strictly to Section 12.8.7.1 of the Development Plan, which requires 'a minimum standard of 22 metres separation between directly opposing rear first floor windows for new developments,' it should be noted that Section 12.8.7.1 does provide for certain relaxations of standards, based on individual circumstances. The Board may consider this deviation from the standard as grounds for refusal. However, it is my view that the specific provisions in Section 12.8.7.1 permit exceptions on a case-by-case basis. As detailed in Section 7.1.19 above, a comprehensive justification, aligned with the performance-based criteria outlined in Table 5.1 of the Building Height Strategy in Appendix 5 of the Development Plan, has been provided. This justification explains how the conditions of the site, the design of the proposed buildings, and the context of the surrounding area render the proposed development suitable, despite the marginally reduced separation distance. I recommend, therefore, that the proposed development is not refused permission on this basis.

8.5. Daylight, Sunlight and Overshadowing

8.5.1. Daylight and Sunlight

8.5.2. Several third-party appellants have raised objections to the proposed development, citing concerns regarding its scale, height, and potential overshadowing impact on surrounding properties. It is submitted that the height and scale of the proposed buildings would cause significant overshadowing and considerable loss of natural light of neighbouring two-storey dwellings and their gardens, particularly at properties No. 1 Lamb's Brook and Nos. 14-19 Sandyford Downs. Moreover, there are concerns about the interaction of the proposed development with the existing Whinsfield development. An appeal submits that the positioning of the northern block of the Whinsfield development and the western Block A of the proposed development, both five stories tall, would directly face each other across Sandyford Road. This would create an undesirable 'funnel' or 'canyon-like' effect, significantly altering the semi-rural landscape and streetscape. Appellants also question the validity of comparisons with the Whinsfield development, pointing out its different boundary conditions and lack of direct overshadowing on two-storey properties. It is submitted that the potential impacts of the proposed development on neighbouring properties and the surrounding area, demonstrated through contiguous elevations and photomontages, may not have been adequately considered in the Council's decision to grant permission. Finally, while acknowledging that the Planning Authority's grant of permission has resulted in a reduction in the height of Block B, closest to some existing dwellings, appellants remain concerned about the potential loss of evening light due to the height and proximity of the proposed development to their homes.

8.5.3. The Planning Authority, in its assessment, evaluated the proposed development using the "Daylight, Sunlight, and Shadow Analysis" submitted by the Applicant. This analysis indicated that the proposed development would not significantly impact the daylight and sunlight amenities of adjacent properties. However, the Planning Authority raised concerns about the overshadowing effect of Block B on the private open space of No. 1 Lamb's Brook. To mitigate this overshadowing, the Planning Authority recommended that the Applicant review the proposed layout and design by way of further information. The Applicant was also requested to submit revised plans

demonstrating how this would be accomplished, along with a revised daylight, sunlight, and overshadowing analysis.

- 8.5.4. According to the Applicant, the proposed internal layout with a separation distance of approximately 18m between Block A and Block B provides adequate sunlight and daylight to both blocks, a claim which they state is supported by their 'Daylight, Sunlight, and Shadow Analysis'. The Planning Authority accepted these findings, concluding that the proposed layout would yield a high-quality residential amenity for future residents. However, the Planning Authority expressed concerns about the proposed four-storey height of Block B, citing potential adverse visual impacts on properties within Sandyford Downs and the overshadowing impact on No. 1 Lambs Brook.
- 8.5.5. The Planning Authority sought further information expressing significant concerns regarding the proposed height of the blocks and compliance with the County Development Plan's Building Height Strategy and Section 8.2.3.3(iv) of the County Development Plan, particularly in relation to setbacks to adjacent properties and potential overshadowing and overbearing effects.
- 8.5.6. In response, the Applicant submitted that the setbacks were more than adequate, citing similar approved developments. They also suggested the Daylight and Sunlight Report demonstrated no material impacts arising from the proposed development given the proposed separation distances. They further submitted an assessment of the amenity space of No. 1 Lamb's Brook, asserting that the proposed development would not impact the area of the garden receiving 2 hours of sunlight on March 21st. The Applicant also proposed a design amendment to address concerns about the roof appearing bulky, proposing to replace part of the roofing material with a brick finish to create a more traditional eaves.
- 8.5.7. Upon assessing the further information received, the Planning Authority accepted the applicant's submission regarding overshadowing at No. 1 Lamb's Brook, agreeing that the outdoor space would meet the BRE criteria for overshadowing assessment. However, concerns remained about the setbacks and the bulky, overbearing roof design of Block B, despite the overall separation distance achieved between opposing habitable room windows from Block B to houses within Sandyford Downs.

- 8.5.8. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing, and height of proposed developments should be carefully modulated in order to maximise access to natural daylight, ventilation, and views, and minimise overshadowing and loss of light. The guidelines state that "appropriate and reasonable regard" should be taken of quantitative performance approaches to daylight provision outlined in guides such as the BRE "Site Layout Planning for Daylight and Sunlight" (2nd edition) and BS 8206-2: 2008, "Lighting for Buildings – Part 2: Code of Practice for Daylighting." If a proposal is unable to fully meet all the requirements of the daylight provisions, this must be clearly identified, and a rationale for any alternative, compensatory design solutions must be provided. The Planning Authority or An Bord Pleanála should then apply their discretion in regard to these solutions, taking into account local factors such as specific site constraints and the balancing of this assessment against the desirability of achieving wider planning objectives, which may include comprehensive urban regeneration and effective urban design and streetscape solutions.
- 8.5.9. Section 12.3.4.2 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 states that 'Development 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, in this regard. Criteria in Table 5.1 of Appendix 5 of the Development Plan (Building Height Strategy) requires that proposal should demonstrate how it complies with quantitative performance standards on daylight and sunlight as set out in BRE guidance "Site Layout Planning for Daylight and Sunlight" (2nd Edition).
- 8.5.10. I have considered the Daylight and Sunlight Assessment report that was submitted with the application, as well as the further information response addressing the impact of the proposed development on the amenity of the private space of No. 1 Lamb's Brook. I have also had regard to BS 8206-2:2008 and BRE 209 "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" (2011). While I acknowledge the publication of the updated British Standard (BS EN 17037:2018 "Daylight in Buildings") and the Site layout planning for Daylight and Sunlight: a guide to good practice (BR 209 2022 edition), I consider that it does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Height Guidelines. I have

conducted a site inspection and have taken into account the interface between the proposed development and its surroundings, as well as the third-party appeals and observations that have raised concerns regarding daylight and sunlight.

8.5.11. The Building Research Establishment (BRE) guidelines recognise the importance of preserving daylight in surrounding buildings when designing new developments. According to the BRE guidelines, rooms in adjacent dwellings that require daylight, such as living rooms, kitchens, and bedrooms, should be considered when assessing the impact of the new development. The BRE guidelines provide a series of tests to assist in this evaluation, which are as follows:

(i) Is the separation distance between the new building and the main window of the adjacent dwelling greater than three times the height of the new building above the centre of the main window? If not, proceed to test 2.

(ii) Does the new development subtend an angle greater than 25° to the horizontal as measured from the centre of the lowest window to a main living room window? If yes, proceed to test 3.

(iii) Is the Vertical Sky Component (VSC) less than 27% for any main window? If yes, proceed to test 4.

(iv) Is the VSC less than 0.8 times its original value? If yes, proceed to test 5.

(v) In the room, is the area of the working plane that can see the sky less than 0.8 times its original value? If yes, daylighting is likely to be significantly affected.

8.5.12. Section 2.2.7 of the BRE 209 "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" (2011) recommends that if the VSC is greater than 27%, then sufficient skylight should reach the windows of the existing building. Any reduction below this level should be minimized. If the VSC with the new development in place is both less than 27% and less than 0.8 times its original value, the occupants of the existing building will likely notice a reduction in the amount of skylight, resulting in a gloomier appearance and increased reliance on electric lighting.

8.5.13. Additionally, Section 3.1.10 of the BRE 209 recommends that interiors that are expected to receive sunlight should receive at least 25% of annual probable sunlight hours (APSH), including at least 5% of winter probable sunlight hours (WPSH) between September 21 and March 21.

- 8.5.14. It should be noted that the tests and recommendations provided in the BRE guidelines are intended to serve as a general guide and that judgement and the balance of considerations may be required in some cases. Figure 20 of the BRE guidelines outlines these tests. The guidelines aim to maximise sunlight and daylight for future residents and mitigate the worst potential impacts for existing residents.
- 8.5.15. The Daylight and Sunlight Assessment and the Shadow Assessment submitted by way of further information analysed the properties most affected by daylight and sunlight, including Karuna, No. 30 Coolkill, Nos. 14-19 Sandyford Downs and No. 1-2 Lambs Brook, which are located on adjoining lands to the north, east and south. Section 5.0 of the Daylight and Sunlight Assessment shows that all tested windows at these properties had a Vertical Sky Component (VSC) greater than 27% or greater than 0.8 times their original baseline VSC values. The report notes that where the ratio of proposed VSC to baseline VSC is above 1.00, the proposed scheme is having less impact on the assessed windows than the baseline state, due to the planned removal of evergreen trees.
- 8.5.16. Additionally, the Daylight and Sunlight Assessment report found that all tested windows at these properties received at least 25% of annual probable sunlight hours (APSH), and more than 0.8 times their APSH baseline value. Based on these findings, I conclude that the daylight and sunlight of these neighbouring dwellings would not be significantly impacted by the proposed development. Therefore, I consider that the proposal meets the BRE recommendations for daylight and sunlight and should not be refused permission on this basis.

8.5.17. Overshadowing

- 8.5.18. The Daylight and Sunlight Assessment report analyses the impact of the proposed development on the private gardens of Karuna, No. 30 Coolkill and Nos. 13-18 Sandyford Downs. As stated in Section 3.3.17 of the BRE Guidelines, it is recommended that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of the area should receive at least two hours of sunlight on the 21st of March. If, as a result of new development, an existing garden or amenity area does not meet this requirement and the area that can receive two hours of sun on the 21st of March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is

recommended that the centre of the area should receive at least two hours of sunlight on the 21st of March.

- 8.5.19. According to the overshadowing analysis, all private gardens of the aforementioned adjacent residential properties along the northern and eastern boundaries will meet BRE criteria, as their values will not change by more than 20% from their current levels. Having reviewed the overshadowing drawings in the Daylight and Sunlight assessment Report, which show affected plan views of existing and proposed sun hours on the ground on the 21st of March and the shadow to amenity space results presented, it is my view that that the proposed development would have a minimal impact on the private gardens adjoining the northern boundary of the site.

8.6. Parking Provision

- 8.6.1. The third-party grounds of appeal against the proposed development at The Pastures focus primarily on the inadequacy of planned parking provision and the prospective consequences of this shortfall. The primary concerns include:
- 8.6.2. Insufficient Parking Provision: A key concern among appellants is the perceived insufficient number of off-street parking spaces, currently set at 26, approved in the grant of permission for the proposed development. It is submitted that this falls below the 35 no. parking spaces recommended by the County Development Plan and the Council's Transportation Planning Section, which includes a ratio of 1 no. parking space per residential unit and 1 no. visitor space for every 3-4 apartments. It is also submitted that a significant shortfall also exists when compared to the County Development Plan 2016-2022 requirements of 36 no. spaces and the DLR County Development Plan 2022-2028 requirements of 33 no. spaces. Moreover, it is also submitted that the proposed provision contrasts sharply with the observed average of 1.67 vehicles per occupied house in nearby Sandyford Downs.
- 8.6.3. Dependence on Private Transport: It is submitted that prospective occupants of the development are expected to rely heavily on private transport due to limited public transport options. The Luas is a c. 25-minute walk from The Pastures site and often runs at capacity during peak hours. Local bus services are reported to be poor, and while proposed future bus services may offer some improvements, their implementation remains uncertain.

- 8.6.4. Impact on Surrounding Areas: Concerns have been raised about potential parking overspill from the proposed development into adjacent areas, particularly Lamb's Brook, which already faces parking shortages. This overspill is predicted to disrupt public services and potentially endanger local residents, including children who regularly play in the area.
- 8.6.5. Transportation Infrastructure Constraints: The development's high density and anticipated increase in vehicular traffic raises concerns about the capacity of local roads, especially given multiple ongoing developments in the vicinity and a lack of secured additional bus routes or sufficient road widening on Sandyford Road.
- 8.6.6. Access Issues: Appellants raise the lack of convenient access to essential amenities like supermarkets within walking distance. They also challenge the proposal for residents' access via Lambs Brook, citing potential hazards to existing residents and recommending an alternative entrance via Sandyford Road.
- 8.6.7. Comparison with Other Developments: The appellants refer to other local developments like Cul Cuille and Sandyford Green that, due to their lower density and location, do not face similar parking issues.
- 8.6.8. Inconsistency with Planning Standards: Concerns were raised about contradictions between the approved number of parking spaces and the guidelines stipulated in different County Development Plans and the DHPLG Design Standards for New Apartments. The development also reportedly fails to meet the assessment criteria for deviations from car parking standards outlined in Section 12.4.5.2(i) of the Development Plan 2022-2028.
- 8.6.9. The Planning Authority, in its first report, noted the 6-Year Road Proposal Objective along the site's western boundary, along Sandyford Road and Blackglen Road. The Planning Authority raised concerns about the proposed setback of 6m from Sandyford Road to Block A and how it might affect the private amenity space for ground floor units, as well as the streetscape character along Sandyford Road. As per the Transport Planning Section report, the Planning Authority considered the impact of the proposed development on the surrounding road network would be insignificant despite Sandyford Road being substandard in width and alignment. The report noted that the proposed development has a shortfall of car parking, as per the Transport Planning

Section report. However, the removal of one floor from each of the blocks would bring the scheme into compliance with parking standards.

- 8.6.10. Following these observations, the Planning Authority sought additional information on several points, including (i) details on the proposed setback between the proposed apartments and future Sandyford Road upgrade works, (ii) an outline of the proposed vehicular access and boundary treatment to Lamb's Brook and (iii) a revised plan for off-street car parking in accordance with a reduced standard.
- 8.6.11. In response, the applicant provided detailed explanations and revised plans including a Mobility Management Plan to encourage sustainable travel amongst future residents, as well as the implementation of a Car Parking Management Plan to ensure on-site parking management. The Planning Authority considered the applicants response satisfactory in several areas. For instance, the revised western boundary treatment, including pedestrian/cycle access and setback details for the proposed apartments were considered acceptable, subject to condition regarding the proposed 1.2m high vertical bar railing. The proposed pedestrian access from Lamb's Brook was also found acceptable, as were the plans for the removal of the existing brick boundary wall to facilitate this.
- 8.6.12. However, the provision of only 26 no. parking spaces for a 33-apartment development was seen as inadequate. To address this, the Planning Authority suggested removing the second floor from Block B, reducing the number of residential units to 27, while retaining the 26 proposed parking spaces. It was considered that this change would result in an average of 0.96 spaces per dwelling, which would be acceptable and compliant with car parking standards. Condition Nos. 2 and 3 of the grant of permission were imposed accordingly addressing this.
- 8.6.13. It is noted that in response to the further information submission, the Council's Transportation Planning Section recommended the proposed development be refused permission on the grounds that the provision of 26 no. car parking spaces to serve the proposed 33 no. apartments do not comply with the Development Plan car parking standards. While the DHPLG Design Standards for New Apartments Guidelines (2020) allow for reduced parking standards in peripheral or less accessible urban locations, the proposed development fails to meet even those guidelines. The lack of adequate parking spaces may pose a traffic hazard or obstruct road users,

endangering public safety. It was considered that the lack of adequate parking spaces may pose a traffic hazard or obstruct road users, endangering public safety. Notwithstanding this, the Transportation Planning Section recommended several Conditions in the event the proposed development is granted permission.

8.6.14. Based on the considerations above, I consider it necessary to evaluate car parking provision in compliance with the Development Plan car parking standards, the capacity of and accessibility to local transportation infrastructure, the potential impact of vehicular access on surrounding areas and public safety.

8.6.15. The proposed development, as originally proposed, comprises 33 no. apartments, consisting of 10 no. one-bedroom units, 20 no. two-bedroom units, and 3 no. three-bedroom units. Vehicular access is proposed from Lamb's Brook, via Sandyford Road / Lamb's Brook priority T junction.

8.6.16. The Applicant has submitted with the application a Traffic and Transport Assessment, prepared by Ultra Dawn Limited. The assessment provides the following;

- An overview of the existing pedestrian / cyclist environment in Lamb's Brook and along the R117 Sandyford Road, bus transport connections in the vicinity, closest Luas stops and GoCar car sharing facilities.
- Emerging transportation infrastructure including short (6 years) and long-term road network proposals for the DLRCC environs including along the Sandyford Road. This includes proposed improvement works up to the south of Lamb's Brook / Sandyford Road access (phase 1) and improvement works to Sandyford Road to the north of Lamb's Brook, including works along the proposed development site frontage (phase 2).
- Cycle network proposals including a proposed cycle route along the R117 Sandyford Road, adjacent to the proposed development.
- Bus network proposals under the BusConnects scheme, with details of how the bus network serving the site will be upgraded with a more frequent and efficient service. The proposed 86 and L33 bus services will provide a direct bus service to Sandyford Business Park and Stillorgan LUAS station from the site. Route No. 86 is a Radial Route linking Ticknock - Goatstown - Mountjoy Square, with a frequency every 30 mins Mon-Sat. Route No. 87 is a Radial Route linking Belarmine -

Dundrum - Mountjoy Square, with a frequency every 60 mins Mon-Sat. Route No.88 is a Radial Route linking Enniskerry - Belarmine - Dundrum - Mountjoy Square, with a frequency every 60 mins Mon-Sat. Route L33 is a Local Route linking Glencullen – Dundrum, with a frequency every 60 mins Mon-Fri. The report states that these improvements will increase current provision for the proposed site from two to five services per hour and the site will be served by four routes in place of the existing two routes passing the site. As such the 'BusConnects' project will substantially improve the accessibility of the proposed site by bus.

- Details of proposed vehicular and cyclists' access via Lamb's Brook from a priority T-junction with Sandyford Road and visibility sightlines along the Sandyford Road.
- Proposed roadside boundary treatment including a new pedestrian connection from the site from the existing footway on Sandyford Road.
- A review of RSA recorded road collision statistics in the vicinity.
- Details of the proposed internal access road / shared surface.
- An Autotrack Analysis demonstrating adequate moveability of cars at the end of the access road and end car parking spaces, along with Fire Tender Access.
- A Parking Strategy: In accordance with the Design Standards For New Apartments Guidelines For Planning Authorities and the Development Plan, it is proposed to provide reduced car parking provision on the proposed development site to encourage the use of sustainable travel modes. The report details (inter alia) how the site is located 1.5km to Beacon Hospital and Sandyford Business Park, a significant employment district area containing over 500 companies and thereby is a 'Central and/or Accessible Urban Locations' as defined in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities. The assessment also sets out in detail how the proposed development meets the Dún Laoghaire-Rathdown County Development Plan 2016-2022 criteria for reduced parking (Table 3.2 of the assessment). While acknowledging the Development Plan's Maximum Vehicle Parking Requirements, the Traffic and Transport Assessment justifies provides a justification for reduced car parking provision, whereby it is proposed to provide a quantum of 0.8 car parking spaces per unit, equating to 26 no. parking spaces for the proposed 33 no. units.

- It is proposed to provide 1 no. GoCar space within the proposed development, with a letter of support from GoCar provided in Appendix B of the Assessment.
- The provision of 3 no. Electric Vehicle Parking spaces, 1 no. Mobility Impaired Parking space and 1 no. Visitor Parking, in accordance with Development Plan standards.
- Parking restrictions are outlined including monitoring of any potential overspill parking onto Lamb's Brook will be undertaken and management if issues emerge.
- A DMURS Statement of Compliance is provided with details of pedestrian capability, carriageway widths, pedestrian crossings, material and finishes, signing and lining
- A Trip Generation and Distribution assessment of the proposed development including extant trip generation, proposed development trip rates and generation, trip distribution, impact analysis and threshold analysis. The assessment anticipates a vehicular trip generation of 8 two-way trips in the AM peak and 10 two-way trips in the PM peak.
- A mobility management plan detailing recommended mobility management measures and actions with initiatives encouraging walking, cycling, use of public transport and car sharing.
- An Outline Construction Traffic Management Plan is provided outlining the proposed Construction Route, Parking, Mitigation Measures, Hours of Operation and Traffic Management Measures.

8.6.17. Regarding parking, Section 4.21 of the Sustainable Urban Housing: Design Standards for New Apartments (2022) refers to car parking in Central and/or Accessible Urban Locations and states that;

In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity.

These locations are most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. This includes 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.

8.6.18. Section 12.4.5 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 sets out Carparking Standards informed by (i) the National Planning Framework which requires a stronger focus by Planning Authorities on consolidating growth within existing built up areas, strengthening urban centres and improving public transport, permeability and accessibility and (ii) the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (2020). Under Section 12.4.5 of the Development Plan, the county is divided into four Parking Zones, reflecting the varying degrees to which these criteria are generally met. Having regard to Development Plan Map T2 Parking Zones, the appeal site is located in Zone 3, whereunder ‘12.4.5.2 (iii) of the Development Plan states that for residential development *‘parking standard shall apply’*, and that *‘In some instances, in zone 3 reduced provision may be acceptable dependent on the criteria set out in 12.4.5.2 (i) below with particular regard to infill/brownfield developments in neighbourhood or district centres’*. Section 12.4.5.2 (i) sets out Assessment Criteria for deviation from Car Parking Standards (set out in Table 12.5). Table 12.5 sets out Car Parking Zones and Standards accordingly, where apartment development in Zone requires the following

1 bed apartment – 1 space per unit

2 bed apartment – 1 space per unit

3+ bed apartment - 2 space per unit

Visitor parking – additional 1 space per 10 apartments

8.6.19. The proposed development, as originally proposed, comprises 33 no. apartments, consisting of 10 no. one-bedroom units, 20 no. two-bedroom units, and 3 no. three-bedroom units. Vehicular access is proposed from Lamb's Brook, via Sandyford Road / Lamb's Brook priority T junction. Based on the car parking standard requirements in Table 12.5, the number of parking spaces required for the proposed development would be as follows:

1 bed apartment x 10 = 10 spaces

2 bed apartment x 20 = 20 spaces

3+ bed apartment x 3 = 6 spaces

Visitor parking = 3.3 spaces

Total: 40 spaces

8.6.20. Notwithstanding this, regard must be given to Section 4.21 of the Sustainable Urban Housing: Design Standards for New Apartments (2022) which refers to car parking in Central and/or Accessible Urban Locations which states (as detailed above) that in larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. Having regard to

8.6.21. Having regard to (i) the context of the site in an 'Accessible Urban Location' i.e. 1,500m from the Beacon Hospital, Sandyford Business Park and adjacent Beacon South Quarter, a significant employment location, (ii) its proximity to Sandyford Village local services there and the range of services in the area, (iii) its proximity to public transport services, (iii) its accessibility for pedestrians and proposed, (iv) the proposed cycle lane along Sandyford Road to the front of the site, (v) the mobility management plan submitted, (vi) the provision of GoCar sharing on the site, (v) the capacity of the surrounding road network, and (vi) the proposed overspill parking monitoring and management proposals, it is my view that the shortfall of car parking spaces specified in Table 12.5 is acceptable having regard to Section 12.4.5.2(i) Assessment Criteria for deviation from Car Parking Standards. The reduced level of car parking would mitigate increased levels of traffic flows and congestion, prevent an increase in traffic collisions, have positive environmental effects, and promote the use of sustainable modes of transportation. Such development aligns with National Policy Objective 13 of the National Planning Framework which requires that *'In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. 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'.

8.6.22. I acknowledge the appellants concerns regarding overspill car parking on Lambs Brook. However, should this become an issue, the Planning Authority could manage it by introducing restrictive measures on the surrounding road network. The Councils Transportation Planning Section raised no concerns regarding Transportation Infrastructure Constraints or access issues regarding the proposed development. I noticed during site inspection that Phase 1 of the road improvement works along the Sandyford Road to the north of Lambs Brook are nearing completion. In the absence of evidence to demonstrate otherwise, I am satisfied that the road network has the capacity to carry the trips generated by the proposed development. Furthermore, I consider the proposed access via Lambs Brook would not provide a significant traffic hazard to pedestrians and existing residents. On this basis, I recommend that the proposed development not be refused permission in relation to these grounds of appeal.

8.7. Drainage and Flood Risk

8.7.1. A third party appellant raised concern that the gardens in the appeal site and the northern section of Lamb's Brook are prone to flooding during heavy rainfall and the potential impact of local runoff and drainage has not been sufficiently addressed.

8.7.2. The Planning Authority in its first report noted the concerns from Council's Drainage Department report regarding the proposed roof design and green roof coverage. The Planning Authority requested further information, addressing a myriad of technical issues related to drainage, site investigation, hardstanding areas, green roofs, and surface water drainage among others. These issues included incorrect data used in discharge rate calculations, insufficient site investigation reports and results, non-compliance with green roof policy, and issues related to surface water drainage system. Following the submission of further information, the Planning Authority observed that several items remained unaddressed. These included unacceptable reduced run-off rates, inadequacies in site investigations, concerns about rain gardens' proposed location, issues regarding the green roof and PV panels, and uncertainties surrounding overland flow and its impact on third-party lands. Consequently, the Authority sought additional clarification on these topics. Upon

receiving the requested clarification, the Planning Authority was satisfied with the provided responses. The Drainage Department reported no objections to the development, subject to compliance with certain conditions. The Planning Authority concurred, recommending the inclusion of the Drainage Department's conditions in its grant of permission planning permission. Relevant Conditions (summarised) include the following;

13. Prior to construction, the applicant shall submit full details of the proposed surface water sewer diversion for approval. A CCTV survey shall be carried out and results submitted before connection to any receiving pipe or outfall system.
14. A draft wayleave agreement favouring Dun Laoghaire-Rathdown County Council for proposed public surface water infrastructure in lands not to be taken in charge, shall be submitted and agreed upon before development commences.
15. A construction management plan and programme of works including measures for interception, containment and treatment of construction runoff shall be submitted and agreed upon before development commences.
16. The green roofs shall comply with The SUDS Manual (C753) and BS EN 12056-3:2000. Full construction details of the green roofs shall be submitted for approval before development starts, including a post-construction maintenance specification and schedule.
17. SuDS measures like permeable paving, raingardens/bioretenion areas, and tree pits shall comply with The SUDS Manual (C753). Full construction details of these measures shall be submitted for approval before development starts, including a post-construction maintenance specification and schedule.
18. Full details of the flow control device, including model and make number, orifice size and flow control hydraulic characteristics graph, shall be submitted before the commencement of development.
19. Prior to connecting the Surface Water to the public system, the applicant shall submit documentation showing that the attenuation system and the flow control device have been installed according to the planning application plans and conditions, and set to the maximum permitted discharge limit. An inspection from the Planning Authority is also required.

- 8.7.3. EPA records show that the Carrickmines Stream flows along the eastern boundary. The site is not located in a flood risk zone, as identified on the OPW flood maps and there are no flood events recorded in the immediate vicinity of the site.
- 8.7.4. A Site-Specific Flood Risk Assessment was submitted with the application, prepared by GDCL Consulting Engineers. The Initial Flood Risk Assessment for the proposed residential development identifies a moderate risk of fluvial (river) and pluvial (rainfall) flooding. This could occur due to an extreme rainfall event exceeding the surface water drainage network's capacity or causing overland flows on nearby public roadways. There is also a moderate risk posed by potential blockage or mechanical failure within the drainage network. The Initial Fluvial Flood Risk Assessment identifies the Carysfort Maretimo Stream (Carrickmines Stream), which traverses the site, poses a potential fluvial flood risk. The Assessment also identifies how the Eastern Catchment Flood Risk and Management Study (ECFRAMS) maps do not show flood risk within the site. However, they show potential flood extents for an extreme 0.1% AEP (Annual Exceedance Probability) flood event within the stream's channel, outside the development area to the south of the site. The Initial Pluvial Flood Risk Assessment identifies that there could be potential for pluvial flood risk within the site related to the future drainage networks serving the proposed development and due to overland flow from adjacent public roads. The assessment identifies how the drainage system has potential to cause local flooding unless it is designed in accordance with the requirements of the Local Authority, i.e., to incorporate surface water attenuation and storage of surface water runoff in the surface water drainage network for the development and to take account of flood exceedance for storms return periods exceeding 1%AEP (Annual Exceedance Probability).
- 8.7.5. Following the assessment of the flood risks to the site, the FRA considered that the proposed site is located within Flood Zone Category C as defined by the Planning System and Flood Risk Management, Guidelines for Planning Authorities Guidelines. On this basis, a detailed flood risk assessment was carried out. The assessment of flood risk determined that the site is not subjected to fluvial flooding associated with the culverted Carysfort Maretimo Stream. ECFRAMS mapping shows that flooding does not breach the culvert conveying flows for the Carysfort Maretimo Stream. Details of internal and external pipe networks and their capacity in the event of flooding. Details are also provided of flooding from internal sources and how overland flow

routes have been designed to direct surface flows away from buildings. A series of mitigation measures are proposed including;

- Regular maintenance of the drainage system to minimise the risk of blockages. A maintenance contract for the petrol interceptor will be signed with a specialist company.
- The surface water drainage system will be designed to handle runoff from a 1 in 5-year return period event, with excess water stored on-site for rainfall events of 1% AEP. This design should protect against flooding even in a critical 100-year flood event.
- A minimum separation buffer of 500mm will be maintained between the lowest finished floor level of the development and the top water level of the surface water storage system for a 1% AEP.
- A minimum separation buffer of 500mm will be maintained between the lowest finished floor level of the development and the 1% AEP estimated flood level in the nearest 900mm culverted pipe.
- Site discharge rate is controlled to be less than the Greenfield runoff rate, exceeding the requirements of the GDSDS.
- A climate change factor of 20% has been applied to rainfall depths in the design of the surface water drainage system.
- The developer agrees to maintain the culvert diversion through their lands until the development is taken in charge by the local authority.
- A wayleave over the proposed culvert will be provided for its maintenance by the local authority.

8.7.6. Having regard to the information on file and the thorough examination of the potential drainage and flood risk concerns, I consider that the proposed development has comprehensively addressed the potential challenges associated with these risks.

8.7.7. The site's location outside of a designated flood risk zone, as detailed the OPW flood maps, significantly mitigates concerns regarding regional or large-scale flood risks.

8.7.8. The site-specific flood risk assessment, conducted by GDCL Consulting Engineers, highlighted the potential for fluvial (rainfall) and pluvial (rainfall) flooding in extreme

weather events. However, the development proposes a series of mitigation measures aimed at managing any potential flooding and drainage issues. These include regular maintenance of the drainage system, a carefully designed surface water drainage system to handle significant runoff events, maintaining minimum separation buffers to safeguard buildings from water ingress, controlling site discharge rate, and planning for climate change by applying a 20% factor to rainfall depths in the design of the surface water drainage system. The developer has committed to maintaining the culvert diversion until it is taken in charge by the Local Authority. In consideration of these measures and supporting documentation submitted, both the Planning Authority and the Drainage Department raised no objections to the proposed development. I am satisfied that the Conditions imposed by the Planning Authority would regulate water flow, prevent flooding, and ensure the provision of a drainage system to the satisfaction of the technical requirements of the Local Authority. I recommend, therefore, that the proposed development is not refused permission on these grounds of appeal.

8.8. Boundary Treatment

- 8.8.1. Several of the third-party appellants raise concerns regarding the proposed boundary treatment along the eastern boundary, its ability to resist surface water runoff during periods of significant rainfall and runoff, and how it poses a security risk to houses in adjoining Sandyford Downs.
- 8.8.2. The appellants contend that the planning application lacks sufficient conditions for the improvement of the existing boundary wall at the rear of gardens of Nos. 14 to 19 Sandyford Downs. The existing 1.6m high boundary wall is considered insufficient, especially since the ground level of The Pastures site will be higher than the ground level of the rear of gardens in adjoining Sandyford Downs. The concern is amplified by the proposed removal of the natural screening and barriers (laurel hedge and wild area), which currently provide a layer of security and limit access to the rear of the Sandyford Downs properties. Appellants propose the provision of a 2m high solid boundary wall, built on new foundations, which should be agreed upon with primarily affected neighbours. Furthermore, appellants point out the risk associated with the proposed overland flood routing for the Pastures site, which is directed towards the east. Appellants contend that the boundary wall should be capable of resisting

pressure from potential surface water flow and accumulation during significant rainfall and runoff events. An appellant submits that this concern is backed by the issues raised by the Planning Authority report regarding the adequacy of surface water drainage, and the validity of the design details and calculations submitted by the applicant.

- 8.8.3. The Appellants request An Bord Pleanála to impose a condition in the event of a grant of permission requiring the construction of a solid block/brick wall along the eastern boundary of the Pastures site, which should be 2.0m high on the Pastures side and built on a new foundation for better structural integrity, rather than being erected on top of the existing boundary wall.
- 8.8.4. Lastly, the appellants state that the proposed foliage (*Thuja plicata*) is inadequate due to its slow growth, security risks, unsightly appearance, and lack of noise mitigation during construction. As a result, the appellants propose the provision of a suitable boundary wall, to be erected early in the construction process, with its design and finish to be agreed upon with the primarily affected neighbours residing at 14-19 Sandyford Downs.
- 8.8.5. Neither the Planning Authority nor the Councils Drainage Section raised concerns regarding the eastern boundary wall. Drainage issues are dealt with in Section 8.6 above.
- 8.8.6. The eastern boundary of the site is defined with a brick wall, c. 1.8m high, with a dense hedge c. 4m high. The Contextual Elevation Drawings submitted show that the finished ground level of the proposed development aligns with the ground level of the dwellings in Sandyford Downs. The Landscape Section drawing shows the provision of a 4m high hedge along the eastern boundary. The Landscape Design report details the existing eastern boundary wall will be retained and a 3m high *Thuja plicata* hedge will be planted along the eastern boundary, replacing the existing hedge.
- 8.8.7. As detailed in section 8.6 above, I am satisfied that the drainage plans for the proposed development, subject to the Conditions imposed by the Planning Authority, would regulate water flow, mitigate flooding, and ensure the provision of a drainage system to the satisfaction of the technical requirements of the Local Authority. These measures would address concerns raised by the third-party appellants regarding flood risk and surface water runoff.

- 8.8.8. The Planning Authority has imposed conditions that require the submission of detailed plans and specifications for the surface water sewer diversion, the construction of an attenuation system, and the installation of a flow control device. These conditions would ensure that the proposed drainage system is designed to handle runoff from significant rainfall events and that the flow of water is controlled to prevent flooding and excessive accumulation. Additionally, the conditions stipulate the need for a CCTV survey to be conducted and submitted prior to the connection of the surface water sewer system to any receiving pipe or outfall. This requirement would ensure that the drainage infrastructure is properly inspected and maintained, further minimising the risk of blockages and potential flooding.
- 8.8.9. Regarding the concerns raised about the security and privacy of neighbouring dwellings, the proposed 3-4m high hedge along the eastern boundary is intended to replace the existing dense hedge and provide an adequate barrier. It is my view that the proposed new hedge will be of sufficient height to maintain the perceived level of security and privacy for the affected properties in Sandyford Downs. On this basis, I recommend that the proposed development is not refused permission on these grounds of appeal.

8.9. **Removal of Trees**

- 8.9.1. A third-party appellant submits that a specific tree in the southeastern corner of The Pastures site should be protected as it serves as a feature for both the residents of the site and neighbouring properties. The Appellant highlights Development Plan policy which requires the preservation of significant trees, groups of trees, and woodlands which form a significant feature in the landscape or are important in setting the character or ecology of an area. The Appellant requests that the Board in the event of a grant of permission add a condition that ensures the protection of existing trees on the site.
- 8.9.2. The Planning Authority in its first report notes the proposed setbacks of 2m to 4m from Block A and Block B to the northern property boundary necessitates the removal of existing trees along this boundary. The Planning Authority expressed regret that the layout of the scheme did not incorporate the existing trees on the site, indicating a potential missed opportunity for a more integrated approach to landscape and development. In granting permission, the Planning Authority imposed Condition No. 8,

requiring the applicant to adhere to the tree felling procedure specified in Section 4.2 of their Bat Survey Report. This condition includes compensating for any felled trees or disturbances to semi-mature native species by planting new trees.

- 8.9.3. The Applicant has submitted with the application a Landscape Design Rationale prepared by Cunnane Stratton Reynolds Land Planning and Design, and an Arboricultural Assessment, tree protection plan and tree constraints plan prepared by Arborist Associates Limited.
- 8.9.4. The Landscape Design Rationale details the removal of the existing tall *Leyland cypress* coniferous trees along the northern boundary and the provision of a 2m high metal post & panel fence and the planting of *Betulo Pendula* trees (2.5m height). I noted during site inspection that there is a row of similar tall *Leyland cypress* coniferous trees planted along the northern boundary on the adjoining lands. The Tree Constraints Plan shows that the existing tall *Leyland cypress* coniferous trees along the northern boundary are low quality/value with a minimum of 10 years life expectancy. Furthermore, the Tree Constraints Plan shows that there are no existing trees at the southeastern corner on the appeal site, but rather there are 3 no. trees at the southeastern corner on adjoining lands to the south.
- 8.9.5. Regarding the removal of trees along the northern boundary, given that the existing row of tall mature coniferous trees will be maintained on adjoining lands along the northern boundary and that the proposed development will provide for the planting of 2.5m high *Betulo Pendula* trees along the northern boundary, it is my view that the proposal provides appropriate measures to mitigate for the loss of low quality/value *Leyland cypress* coniferous trees along the northern boundary, which would provide screening to and enhance the visual amenity of the site, while enabling for the proposed development. Condition No. 8 imposed by the Planning Authority requires adherence to the specified tree felling procedure and compensatory tree planting.
- 8.9.6. The Tree Constraints Plan confirms the absence of existing trees at the southeastern corner of the appeal site. The presence of trees on adjoining lands to the south is not within the scope of the proposed development and therefore should not be considered as directly impacted by the proposed development. I recommend, therefore, that the proposed development is not refused permission on these grounds of appeal.

8.10. **Site Notice**

- 8.10.1. A third-party appellant raises concerns regarding the site notice and description of the proposed development. The appellant submits that the site notice specified "2 No. apartment blocks ranging in height from part 3 No. to part 5 No. storeys," but the application and drawings indicate two separate 4-storey (Block B) and 5-storey (Block A) blocks without any "part" that is 3 storeys. The appellant contends that this discrepancy renders the site notice invalid and the approval should be overturned.
- 8.10.2. The appellant also points out that the Planning Authority recommended reducing Block B from 4 storeys to 3 storeys, and if the applicant appeals for the retention of the originally proposed 4 storeys, it should be overturned as it deviates materially from the site notice. Based on these concerns, the appellant submits that the Board should be precluded from granting permission for the proposed development due to the absence of reference to section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016 in the public notice during the application stage.
- 8.10.3. It is my view that this ground of appeal is a validation issue which is the function of the Planning Authority. I am satisfied that this did not prevent the concerned party from making representations to the Council on the proposed development. The third-party appellants have made a valid planning appeal to An Bord Pleanála and the issues raised in this appeal are addressed below.

8.11. **Misrepresentation of Distances**

- 8.11.1. A third-party appellant alleges a misrepresentation of distances by the Planning Authority, providing evidence of significant discrepancies between the reported distances and the actual measurements to access the M50. The appellant asserts bias in supporting the applicant's claim and question the accuracy of the site's classification as an Intermediate Urban Location. Further details are available in Section 6.1.8.1 above.
- 8.11.2. Having conducted an independent measurement and assessment of the distances mentioned in the third party appellant's concerns, I can confirm that relevant measurements were conducted diligently and without bias or intentional misrepresentation.

8.12. Appropriate Assessment Screening

8.12.1. Article 6(3) of Directive 92/43/EEC (Habitats Directive) requires that any plan or project not directly connected with or necessary to the management of a European site(s), but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site(s) in view of the site(s) conservation objectives. The Habitats Directive has been transposed into Irish law by the Planning and Development Act 2000, as amended, and the European Union (Birds and Natural Habitats) Regulations 2011-2015. In accordance with these requirements and noting the Board's role as the competent authority who must be satisfied that the proposal would not adversely affect the integrity of the European site(s), this section of my report assesses if the project is directly connected with or necessary to the management of European Site(s) or in view of best scientific knowledge, if the project, individually or in combination with other plans or projects, is likely to have a significant effect on any European Site(s), in view of the site(s) conservation objectives, and if a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement (NIS) is required.

8.12.2. In relation to Appropriate Assessment (AA) Stage 1 screening, the issue to be addressed is whether the project is likely to have a significant effect, either individually or in combination with other plans and projects on European sites in view of the site's conservation objectives.

8.12.3. Background on the Application

8.12.4. The application is accompanied by an Appropriate Assessment Screening Report prepared by Enviroguide Consulting. The names and field of expertise of the persons who wrote, reviewed, and approved the Appropriate Assessment Screening Report are detailed on page 1 of the report. Qualifications and no. of years of experience are no stated.

8.12.5. The Appropriate Assessment Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.

8.12.6. The Screening Report details how the closest watercourse to the site is Carrickmines Stream located immediately adjacent to the east boundary of the Site, which flows into

the Shanganagh River approximately 6.7km to the southeast of the site, and ultimately into Killiney Bay. The status of the Shanganagh River was designated as *Good* by the EPA in 2020 (station code: RS10S010600).

- 8.12.7. The Screening Report also details how the site is situated on the Wicklow groundwater body, which is *Not at Risk* of not meeting its Water Framework Directive (WFD) objectives. The aquifer type within the Site boundary is identified as a *Poor Aquifer (PI)* on bedrock which is *Generally Unproductive except for Local Zones*. The groundwater rock units underlying the aquifer are classified as *Granites & other Igneous Intrusive Rocks (GSI, 2021)*. The report states that the level of vulnerability of the site to groundwater contamination via human activities is *Extremely Vulnerable*. The soil is classified as *Urban* and the subsoil is made ground (*Made*) (EPA, 2021).
- 8.12.8. In order to identify the European Sites that potentially lie within the Zone of Influence (ZOI) of the proposed development, a Source-Path-Receptor method (S-P-R) was adopted, as described in 'OPR Practice Note PN01 - Appropriate Assessment Screening for Development Management' (OPR, 2021), a practice note produced by the Office of the Planning Regulator, Dublin. The guidance document published by the Department of Housing, Planning and Local Government (then DEHLG) 'Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities' (2009) recommends an arbitrary distance of 15km as the precautionary ZOI for a plan or project being assessed for likely significant effects on European Sites, stating however that this should be evaluated on a case-by-case basis. The methodology used to identify relevant European sites is detailed on pgs. 8-9 of the Screening Report.
- 8.12.9. The result of the preliminary screening concluded that there is a total of nine SACs and four SPAs located within the ZOI of the proposed development site. Potential pathways between the site and five European site within the Zone of Influence (ZOI) are identified, which include the following;
- South Dublin Bay SAC
 - Rockabill to Dalkey Island SAC
 - North Dublin Bay SAC
 - South Dublin Bay and River Tolka Estuary SPA

- North Bull Island SPA

8.12.10. The Appropriate Assessment Screening Report details the conservation objectives and qualifying interests of the designated European Sites, distances from the appeal site to the European Sites and details of Source- Pathway- Receptor connections. The Screening Report identifies and provides an assessment of potential significant effects, including potential In-combination effects on the qualifying interests and/or conservation objectives of the European sites within the zone of influence.

8.12.11. Having reviewed the documents and submissions on file, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

8.12.12. **Screening for Appropriate Assessment - Test of likely significant effects**

8.12.13. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site.

8.12.14. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SACs) and Special Protection Areas (SPAs) to assess whether it may give rise to significant effects on any European Site.

8.12.15. **Brief description of the development**

8.12.16. The applicant provides a description of the proposed development on page 5 of the AA Screening Report. A description of the proposed development and site characteristics are set out in Sections 1.0 above, respectively.

8.12.17. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction-related uncontrolled surface water/silt/construction-related pollution
- Habitat loss/ fragmentation

- Habitat disturbance /species disturbance (construction and or operational)

8.13. European Sites

8.13.1. Natura 2000 European Sites within the 15km precautionary zone of influence of the proposed development include the following;

- Wicklow Mountains SAC
- South Dublin Bay SAC
- Knocksink Wood SAC
- Ballyman Glen SAC
- Glenasmole Valley SAC
- Rockabill to Dalkey Island SAC
- North Dublin Bay SAC
- Bray Head SAC
- Howth Head SAC
- South Dublin Bay and River Tolka Estuary SPA
- Wicklow Mountains SPA
- Dalkey Islands SPA
- North Bull Island SPA

8.13.2. Potential pathways between the proposed development site and these designated Natura 2000 European Sites, within the Zone of Influence, include the following;

- South Dublin Bay SAC
- Rockabill to Dalkey Island SAC
- North Dublin Bay SAC
- South Dublin Bay and River Tolka Estuary SPA
- North Bull Island SPA

8.13.3. The Conservation Objectives and Qualifying Interests of these European Sites are detailed in Table 1 below.

8.13.4. Table 1: Qualifying Interests and Conservation Objectives

Natura 2000 Site	Qualifying interests	Distance from proposed development	Connections (source, pathway receptor)
Wicklow Mountains SAC (002122)	<p>[3110] Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)]</p> <p>[3160] Natural dystrophic lakes and ponds;</p> <p>[4010] Northern Atlantic wet heaths with Erica tetralix;</p> <p>[4030] European dry heaths;</p> <p>[4060] Alpine and Boreal heaths;</p> <p>[6130] Calaminarian grasslands of the Violetalia calaminariae, [6230] Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe); [7130] Blanket bogs (* if active bog);</p> <p>[8110] Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani)', [8210] Calcareous rocky slopes with chasmophytic vegetation;</p> <p>[8220] Siliceous rocky slopes with chasmophytic vegetation;</p> <p>[91A0] Old sessile oak woods</p>	4.9 km	<p>There is no hydrological connection.</p> <p>The intervening distances between the Site and the SAC are sufficient to exclude the possibility of significant effects on the SAC from: emissions of noise, dust, pollutants, and/or vibrations emitted from the Site during the Construction Phase; increased traffic volumes during the Construction and Operational Phases and associated emissions; potential increased lighting emitted from the Site during the Construction and Operational Phases; and increased human presence during the Construction and Operational Phases.</p>
South Dublin Bay SAC (000210)	<p>[1140] Mudflats and sandflats not covered by seawater at low tide; [1210] Annual vegetation of drift lines; [1310] Salicornia and other annuals colonising mud and sand;</p> <p>[2110] Embryonic shifting dunes</p>	5.1 km	Yes - Weak hydrological pathway via discharges from Ringsend Wastewater Treatment Plant (WwTP) into Dublin Bay during the Operational Phase
Knocksink Wood SAC (000725)	[7220] Petrifying Springs;	6.2 km	None - There is no hydrological connection.

	[91A0] Old sessile oak woods with Ilex and Blechnum in the British Isles; [91E0] Alluvial Forests		
Ballyman Glen SAC (000713)	[7220] Petrifying Springs; [7230] Alkaline fens	7.7 km	None - There is no hydrological connection.
Glenasmole Valley SAC (001209)	[6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) (* important orchid sites)*; [6410] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae); [7220] Petrifying springs with tufa formation (Cratoneurion)*	8.9 km	None - There is no hydrological connection.
Rockabill to Dalkey Island SAC (003000)	[1170] Reefs; [1351] Harbour Porpoise (Phocoena phocoena)	9.2 km	Yes - Weak hydrological pathway via the Shanganagh river during the Construction and Operational Phases
North Dublin Bay SAC (000206)	[1140] Tidal Mudflats and Sandflats; [1210] Annual Vegetation of Drift Lines; [1310] Salicornia Mud; [1330] Atlantic Salt Meadows; [1410] Mediterranean Salt Meadows; [2110] Embryonic Shifting Dunes; [2120] Marram Dunes (White Dunes); [2130] Fixed Dunes (Grey Dunes)*; [2190] Humid Dune Slacks; [1395] Petalwort (Petalophyllum ralfsii)	10.1 km	Yes -Weak hydrological pathway via discharges from Ringsend WwTP into Dublin Bay during the Operational Phase
Bray Head SAC (000714)	[1230] Vegetated Sea Cliffs; [4030] Dry Heath	12.2 km	None - There is no hydrological connection.

Howth Head SAC (000202)	[1230] Vegetated sea cliffs of the Atlantic and Baltic coasts; [4030] European dry heaths	14.2 km	None - There is no hydrological connection.
South Dublin Bay and River Tolka Estuary SPA (004024)	[A046] Light-bellied Brent Goose <i>Branta bemica hrota</i> ; [A130] Oystercatcher <i>Haematopus ostralegus</i> ; [A137] Ringed Plover <i>Charadrius hiaticula</i> ; [A141] Grey Plover <i>Pluvialis squatarola</i> ; [A143] Knot <i>Calidris canutus</i> ; [A144] Sanderling <i>Calidris alba</i> ; [A149] Dunlin <i>Calidris alpina</i> ; [A157] Bar-tailed Godwit <i>Limosa lapponica</i> ; [A162] Redshank <i>Tringa tetanus</i> ; [A179] Black-headed Gull <i>Chroicocephalus ridibundus</i> ; [A192] Roseate Tern <i>Sterna dougallii</i> ; [A193] Common Tern <i>Sterna hirundo</i> ; [A194] Arctic Tern <i>Sterna paradisaea</i> ; [A999] Wetlands	5.1 km	Yes - Weak hydrological pathway via discharges from Ringsend WwTP into Dublin Bay during the Operational Phase
Wicklow Mountains SPA (004040)	[A098] Merlin <i>Falco columbarius</i> ; [A103] Peregrine <i>Falco peregrinus</i>	5.1 km	None
Dalkey Islands SPA	[A192] Roseate Tern <i>Sterna dougallii</i> , [A193] Common Tern <i>Sterna hirundo</i> ; [A194] Arctic Tern <i>Sterna paradisaea</i>	8.9 km	None
North Bull Island SPA (004006)	[A046] Light-bellied Brent Goose <i>Branta bemica hrota</i> [A048] Shelduck <i>Tadoma tadoma</i> , [A052] Teal <i>Anas crecca</i> ;	10.1 km	Yes -Weak hydrological pathway via discharges from Ringsend WwTP into Dublin Bay during the Operational Phase

	<p>[A054] Pintail <i>Anas acuta</i>; [A056] Shoveler <i>Anas clypeata</i>;</p> <p>(A130) Oystercatcher <i>Haematopus ostralegus</i>;</p> <p>[A140] Golden Plover <i>Pluvialis apricaha</i>; [A141] Grey Plover <i>Pluvialis squatarola</i>; [A143] Knot <i>Calidris canutus</i>;</p> <p>[A144] Sanderling <i>Calidris alba</i>;</p> <p>[A149] Dunlin <i>Calidris alpina alpina</i>;</p> <p>[A156] Black-tailed Godwit <i>Limosa limosa</i>;</p> <p>[A157] Bar-tailed Godwit <i>Limosa lapponica</i>;</p> <p>[A160] Curlew <i>Numenius arquata</i>; [A162] Redshank <i>Tringa tetanus</i>;</p> <p>[A169] Turnstone <i>Arenaria interpres</i>; (A179) Black-headed Gull <i>Chroicocephalus ridibundus</i>;</p> <p>[A999] Wetlands</p>		
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8.13.5. **Potential Indirect Effects**

8.13.6. The proposed development site is not situated within or immediately adjacent to any European Sites. However, as detailed in Table 1 above, there is potential for indirect effects on the South Dublin Bay SAC, Rockabill to Dalkey Island SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and the North Bull Island SPA, via discharges from the Ringsend Wastewater Treatment Plant (WwTP) into Dublin Bay during the Construction and Operational Phase. Potential indirect effects would include:

- Habitat loss or alteration.
- Habitat/species fragmentation.
- Disturbance and/or displacement of species.
- Changes in population density; and
- Changes in water quality and resource.

These are assessed below accordingly.

8.13.7. **Habitat Loss and Alteration**

8.13.8. The project is not located within a European site; consequently, there will be no habitat loss or alteration as a result of the Proposed Development.

8.13.9. **Habitat/Species Fragmentation**

8.13.10. As there will be no direct habitat loss in any European sites, the proposed development will not result in habitat fragmentation.

8.13.11. **Changes in Water Quality and Resource**

8.13.12. The Carrickmines Stream flows adjacent to the site's eastern boundary and empties into the Shanganagh River. Consequently, a weak hydrological connection exists between the Site and Rockabill to Dalkey Island SAC via surface water discharges from the site during the Construction and Operational Phases.

8.13.13. A surface water attenuation system will be provided using an off-line Stormtech MC3500 attenuation system. The attenuation facility will be located within the open

courtyard. Surface water discharge from the site will be controlled using a hydrobrake at the outlet located at the connection to the existing 900mm diameter surface water sewer, which traverses the site from the southwestern corner to the north east corner.

8.13.14. Foul effluent from the site will discharge to an existing manhole on the southwestern boundary of the site, which will then discharge to an existing 225mm diameter pipe which in turn connects to the existing foul network on Sandyford Road. This wastewater drainage network discharges to the Ringsend Wastewater Treatment Plant. As stated in the Environmental Services Report, sewers and drains on site shall be laid to comply with the requirements of the Building Regulations.

8.13.15. SuDS Measures are included in the project design; however, they are not being relied upon to mitigate against potential significant effects on a European Site. Section 12.9.6 of the Development Plan requires that all new developments incorporate Sustainable Drainage Systems (SuDS) that balances the impact of urban drainage through the achievement of control of run-off quantity and quality and enhances amenity and habitat.

8.13.16. Due to the distance and consequent potential for dilution in the Shanganagh River and Dublin Bay, the potential for surface water generated at the site of the proposed development to reach Rockabill to Dalkey Island SAC and cause significant effects, both during the Construction and Operational Phases, is negligible. Surface water discharges would have to travel approx. 10 km along the Carrickmines Stream and Shanganagh River before reaching Killiney Bay, and there is a potential for dilution in the surface water network during heavy rainfall events.

8.13.17. A public combined sewer will serve the site. Consequently, during the operational phase, there is a weak hydrological connection between the site and South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA via discharges from Ringsend Wastewater Treatment Plant.

8.13.18. The potential for surface water and foul waters generated at the proposed development site to reach European sites within Dublin Bay and cause significant effects, both during the Construction and Operational Phase, is negligible. This assessment is based on the following factors:

- Dilution in the surface water network during heavy rainfall events, which reduces the concentration and impact of potential contaminants.
- The upgrade works at the Ringsend Wastewater Treatment Plant (WWTP) that will increase its capacity from 1.6 million PE to 2.4 million PE, enhancing its ability to manage wastewater, as recorded on the Uisce Eireann report 'Works progress on the Ringsend Wastewater Treatment Plant Upgrade Project (2021).
- Unlikelihood of current operational impacts from Ringsend WWTP on marine biodiversity and European sites within Dublin Bay.
- The main dispersal area for treated effluent from Ringsend WWTP is in the Tolka Basin and around North Bull Island, with South Dublin Bay remaining unaffected by the plant's effluent discharge (Irish Water, Ringsend Wastewater Treatment Plant Upgrade Project Environmental Impact Assessment Report 2018).
- As detailed in the Appropriate Assessment Screening report, the potential maximum increase of 33 Population Equivalent (PE) load resulting from the proposed development is deemed insignificant in relation to the overall scale of the facility. This additional load is unlikely to significantly impact the released effluent from the WWTP or result in significant effects on the designated Special Area of Conservation (SAC). Moreover, ongoing upgrade works at Ringsend WWTP will lead to improved effluent discharge quality by reducing various parameters such as BOD, suspended solids, ammonia, DIN, and MRP (Irish Water, 2018).

8.13.19. Considering these factors, the risk of significant effects on European sites within Dublin Bay from surface water and wastewater generated by the proposed development is considered to be low.

8.13.20. **Disturbance and/or Displacement of Species**

8.13.21. Harbour Porpoise is the only Annex II species listed for the SACs linked to the Site, at Rockabill to Dalkey Island SAC. During both the Construction and Operational Phases, the hydrological connection between the site and the Natura 2000 European Sites in Dublin Bay assessed here will not have a significant impact on the water quality and resource indicator. Consequently, Harbour Porpoises will not be impacted by water quality impacts. In addition, there is no potential for negative impacts on this

species due to the distance between the proposed development site and the SAC with which it is connected.

8.13.22. **Changes in Population Density**

8.13.23. The proposed development does not have the potential to significantly alter the population density of any species in any European site.

8.13.24. **Potential for In-combination Effects**

8.13.25. There are several existing planning permissions in the area, including smaller-scale extensions and alterations to existing residential properties, as well as larger-scale developments. Notable larger-scale developments in the vicinity of the Proposed Development are as follows:

P.A. Ref. D14A/0843/E This application involves the demolition of a former residence and the construction of 6 no. 2-storey 4-bedroom houses in 2 terraces, along with 4 no. apartments and 2 no. three-bedroom duplexes in a 2/3-storey building, and associated site development works.

Decision: Grant Extension of Duration of Permission. Decision Date: 27/10/2020.

P.A. Ref. D19A/0729 This application seeks permission to remove 3 no. single-storey prefabricated buildings and a single-storey shed structure at the rear/western/northern side of an existing school building. The proposal includes the construction of a new two-storey extension accommodating classrooms, resource rooms, staff facilities, and ancillary areas. Modifications to existing reception office and toilet accommodation are also planned.

Decision: Grant Permission. Decision Date: 21/01/2020.

P.A. Ref. D17A/1003 and ABP Ref. 302954-18 This application involves the demolition of an existing dwelling house and sheds, and the construction of 67 no. apartments in three three-storey plus penthouse blocks (Blocks A, B & C). The development comprises a mix of one, two, and three-bedroom units, along with associated site and landscaping works, surface car parking, and a new site entrance.

Decision: Grant Permission subject to 26 no. conditions. Decision Date: 27/03/2019.

P.A. Ref. D18A/1047 This application seeks permission for the development of 12 no. detached houses on an infill site located at the rear of Sandyford House, a Protected Structure. The proposed houses include a mix of 3-bedroom and 4-bedroom dwellings, with various storey heights. The development entails associated site works, services provision, access roads, car parking, and landscaping.

Decision: Grant Permission. Decision Date: 18/07/2019.

8.13.26. These developments are situated within a 500-meter radius of the appeal site. However, the distance between the site, the permitted developments mentioned above, and the nearest European site is c. 4.9km. Given this considerable distance and the presence of a significant urban buffer between these sites and the European site, there is no likelihood of significant effects on the European site resulting from combined emissions of noise, dust, pollutants, vibrations, increased traffic volumes, lighting, or human presence during both the construction and operational phases. Furthermore, there are no proposed or permitted forestry operations (such as thinning, clear felling, or road construction) in close proximity to the Proposed Development site.

8.13.27. **Mitigation Measures**

8.13.28. The proposed surface water management measures in the Construction and Environmental Management Plan are designed to prevent run-off from directly entering into any water courses. The proposed proprietary oil/water separator, as detailed in the Engineering Services report, is a standard surface water management measure. No measures have been relied upon in this screening exercise to avoid or reduce any harmful effects of the project on a European Site.

8.13.29. **Screening Determination**

8.13.30. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 (as amended). Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project, individually, or in combination with other plans or projects, would not be likely to give rise to significant effects on any European Sites in view of the sites' conservation objectives, and Appropriate Assessment including the submission of Natura Impact Statement is not, therefore, required.

8.13.31. This determination is based on the following:

- The nature and scale of the proposed development on fully serviced lands,
- The intervening land uses and distance from European sites,
- The lack of direct connections with regard to the Source-Pathway-Receptor model.

It is concluded, therefore, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives. An appropriate assessment is not, therefore, required.

9.0 Recommendation

- 9.1. I recommend that planning permission be granted subject to the conditions set out below.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Council Development Plan 2022-2028 and the zoning of the site, the National Planning Framework issued by the Department of Housing, Planning and Local Government in February, 2018, the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December 2022 and the overall scale, design and height of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of the area, would not be prejudicial to public health, and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
4.	<p>Prior to commencement of development, the developer shall enter into a water and/or wastewater connection agreement(s) with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Proposals for an apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p>

	Reason: In the interest of urban legibility.
6.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
7.	<p>The internal road serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interests of amenity and of traffic and pedestrian safety.</p>
8.	<p>The communal parking area serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transportation.</p>
9.	<p>The developer shall ensure that the car parking spaces for the residential units must be sold off with the units and not sold separately, or let, to avoid non-take up by residents. The developer shall also give an undertaking in this regard, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of public safety and the proper planning and sustainable development of the area.</p>
10.	<p>Prior to the occupation of the development, a Mobility Management Strategy (travel plan) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carsharing by residents and staff employed in the development and to reduce and regulate the extent of parking. The</p>

	<p>mobility strategy shall be prepared and implemented by the management company for all units within the development. This strategy shall include site specific measures to discourage overspill parking in Peter Place.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
11.	<p>The landscaping scheme shown on Drawing Number 20502-1-100, as submitted to the planning authority on the 9th day of November 2021, shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>Reason: In the interests of residential and visual amenity.</p>
12.	<p>(a) The developer shall fully implement all recommendations contained in the Tree Protection Plan submitted to the Planning Authority on the 28th day of June 2021. Unless otherwise agreed in writing, in advance by the Planning Authority, the trees to be retained and removed shall be in accordance with the Landscape Masterplan received by the Planning Authority on the on the 28th day of June 2021.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>Reason: In the interest of biodiversity and the protection of trees.</p>
13.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement</p>

	<p>of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To secure the protection of the trees on the site.</p>
14.	<p>Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development.</p> <p>Reason: In the interest of wildlife protection.</p>
15.	<p>All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
16.	<p>All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
17.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p>

	<p>(b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
18.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment.</p> <p>Reason: In the interests of amenity and public safety.</p>
19.	<p>Prior to commencement of development, the Applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>

20.	<p>The apartments shall not be used for any short-term residential letting.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
21.	<p>Each proposed apartment unit shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.</p> <p>Reason: To prevent unauthorised development.</p>
22.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (f) Measures to obviate queuing of construction traffic on the adjoining road network; (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

	<p>(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(l) Means to ensure that surface water runoff is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
23.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
24.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing</p>

	<p>with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
25.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
26.	<p>Prior to the commencement of the development as permitted, the Applicant or any person with interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all units permitted, to first occupation by individual purchasers, i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
27.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the Local Authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer</p>

	<p>or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
28.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the Authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
29.	<p>The developer shall pay to the planning authority a financial contribution in respect of the LUAS Line B extension from the Sandyford Depot to Cherrywood, in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p>

	<p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
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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.

Brendan Coyne
Planning Inspector

30th May 2023