



An
Bord
Pleanála

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

Inspector's Report ABP-313235-22

Strategic Housing Development

Demolition of existing building on site,
construction of 221 no. student
bedspaces and associated site works.

Location

Vector Motors, Goatstown Road,
Dublin 14.

Planning Authority

Dun Laoghaire Rathdown County
Council

Applicant

Orchid Residential Limited

Prescribed Bodies

- (1) Uisce Eireann
- (2) Inland Fisheries Ireland
- (3) Department of Housing, Local
Government and Heritage

Observer(s)

- (1) Bernard McBride
- (2) Brian Patterson
- (3) David Isaacson
- (4) Edward & Mary Sherry
- (5) Elaine and Alan Sorohan
- (6) Eugene and Mary McAneaney
- (7) Gary McIlroy
- (8) Helen Barry & Cearbhall
O'Siobhan
- (9) John & Catherine English
- (10) Maua Young & David Halpin
- (11) Roisin & Paul Coyle
- (12) Paul Kidney
- (13) Wes Condon & Phyllis Condon
- (14) Roebuck Residents Association
- (15) Seamus & Michael O'Sullivan
- (16) Stan McHugh
- (17) Stephen Carruthers
- (18) Trimbleston Owners
Management
- (19) William & Anne Scollard
- (20) Yvonne Brett
- (21) Yvonne Dillon
- (22) Conor Dillon & Niamh
McCawley
- (23) John & Oksana Cronin

Date of Site Inspection

26th November 2024

Inspector

Colin McBride

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site, which has a stated area of 0.34 hectares, is located on the eastern side of Goatstown Road (R132), Dublin 14 approximately 6km south of Dublin City Centre, 1.5km from Dundrum Town Centre and 0.8km from the University College Dublin main campus. The site is occupied by a motor sales premises consisting of an existing showroom structure and a hardstanding area for parking of vehicles. Adjoining development includes the Trimbleston housing development located to the north and east of the site consisting of a mixture houses, duplex units and apartments ranging in height from 2-4/5 storeys. To the south are existing structures along Willowfield Park including a terrace of two-storey structures with commercial uses (retail, café and office) at ground floor and residential above, which back onto the southern boundary of the site. To the southeast along Willowfield Park are two-storey dwellings that adjoin the southeastern corner of the site. On the opposite side of Goatstown Road are two-storey detached dwellings.

3.0 Proposed Strategic Housing Development

- 3.1. This is an application for a permission consisting of the demolition of the existing building on site and hard surfacing on site and construction of a purpose-built student accommodation development (including use as a tourist or visitor accommodation outside the academic term) providing for 221 no. student bedspaces (including 10 no. studios and 40 no. bedroom clusters) in a part single, four, five and six-storey U-shaped block on a 0.34 hectares site.
- 3.2. The building is single-storey to four-storey along the southern boundary with a 2 no. roof terraces at fourth floor level and part five and six-storeys along Goatstown Road

and the northern boundary with a fifth-floor roof terrace fronting Goatstown Road. Communal/amenity space provided including a central courtyard at ground level and the 2 no. roof terraces totalling 1,516sqm.

3.3. Internal amenities consist of 509sqm in the form of 2 no. ground floor lounges/study areas, kitchen/tearoom, laundry and concierge/office space. Provision of 210 no. bicycle parking spaces and provision of 6 no. car parking spaces (2 no. accessible spaces and 4 no. set down spaces). There is a single-storey flat roofed structure located adjacent the northern boundary housing bin storage and plant rooms. Adjacent the bin storage structure is the long stay cycle parking with short stay cycle parking located at the northwestern corner of the site.

3.4. Vehicular access is from Goatstown Road from 2 no. entrance points with separate access and egress points. Ancillary single-storey ESB substation and switch room and refuse store at ground level. Provision of surface water and underground attenuation and all ancillary site development works including site wide landscaping works, lighting, planting and boundary tremanet.

3.5. Key Development Statistics are outlined below:

	Proposed Development
Site Area	0.34 ha gross
No. of Units	221 bedspaces
Density	162.5 units per ha
Height	Part single, four, five and six-storeys
Communal Open Space (external)	1,516sqm
Communal Amenity Space (internal)	509sqm
Car Parking	6 spaces (2 accessible spaces)
Bicycle Parking	210

3.6. Unit mix is as follows:

Unit/Cluster	Studio	3-Bed Cluster	4-Bed Cluster	5-Bed Cluster	6-Bed Cluster	7-Bed Cluster	8-Bed Cluster
Ground	2			4	1		
First	2	1	1	4	2		1
Second	2	1	1	4	2		1
Third	2	1	1	4	2		1
Fourth	2			4		1	
Fifth				2		1	
Total Bedspaces	10	9	12	110	42	14	24

3.7. The application included the following:

- Statement of Response to ABP Opinion
- Statement of Consistency
- Architectural Response
- Housing Quality Assessment
- Urban Design Report
- Statement of Material Contravention Statement
- Management Plan
- Civil Engineering Assessment Report and FRA
- Bus-Luas-Capacity Assessment
- Townscape and Visual Impact Assessment Report
- Landscape Rationale
- Construction Environmental Management Plan

- Daylight, Sunlight and Overshadowing Analysis
- Ecological Impact Assessment
- Bat Survey Report
- Hydrological and Hydrogeological Risk Assessment
- Noise Impact Assessment Report
- Operational Waste Management Plan
- Resource Waste Management Plan
- Archaeological Assessment
- Ground Investigation
- Lifecycle Report
- Management Plan
- Telecommunication Report
- Appropriate Assessment-Stage 1 Screening Report
- Screening for Environmental Impact Assessment Report
- Article 299B Statement
- Sustainability Report

4.0 Planning History

D12A/0486 Permission granted for modification to the front and side facades of existing building to include for raising height of part of existing front facade and for recladding over existing cladding to front elevation and part of side elevation.

PL06D238413 (D10A/0623): Permission refused by the Board and by the planning authority for the refurbishment, extension and change of use of motor sales premises to use as a neighbourhood shop with ancillary off license sales. The Board refused for three reasons. Reasons (1) and (2) related to the scale of retail development and car parking, development plan retail policies and the Objective A residential zoning of the site. Refusal reason no. (3) related to the location of the site at a curvature in close

proximity to two signalised junctions on the Goatstown Road (R132), a principal commuter route, and exacerbation of existing traffic congestion in the area.

PL06D227350 (D07A/0984): Permission refused by the Board and the planning authority for demolition of the existing structure and construction of a single 3-6 storey block, over part single and part two levels of basement, comprised of 49 apartments. The Board refused permission for one reason relating to development plan standards and to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, development would constitute overdevelopment of the site and, by reason of its height, scale, mass and bulk relative to adjoining buildings and structures and its proximity to the boundaries of the site, would result in a substandard quality of open space within the site due to the effects of overshadowing, be visually obtrusive, particularly when viewed from the south and east along the Goatstown Road and would depreciate the value of property in the vicinity.

D04A/0828: Permission granted for demolition of the existing structure and construction of a 3, 4 and 5 storey apartment block comprised of 30 apartments (2 no.1 bedroom, 28 no. 2 bedroom), 4 duplex units (a 2 bedroom and 3 no. 3 bedroom) and 50 car parking spaces at basement level.

Relevant permissions in vicinity.

ABP-309430: Permission granted for a development providing for 698 no. student bedspaces in 8 no. blocks ranging from three to seven storeys at Our Lady's Grove, Goatstown, Dublin 14 to the northwest of the site.

D08B/0147: Permission granted for a 106sqm roof terraces and 38sqm associated room to existing roof of penthouse level for Apartment 20, Trimbleston, Goatstown Road, Dublin 14.

5.0 Section 5 Pre-Application Consultation - ABP-306829-20

5.1. A Section 5 pre-application consultation took place on the 19th of May 2020 in respect in respect of the demolition of existing buildings on site, construction of 241 no. student accommodation units in 3 no. connected blocks ranging in height from four to six-storeys and providing 6 no. studios and 40 no. 4-7 bedroom clusters. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The topics discussed at the meeting were...

- Height.
- Quantum and Scale of Development with regard to the Goatstown LAP,
- Development Plan Policy and National Planning Policy
- Impacts on Visual and Residential Amenities
- Quality of Student Accommodation
- Open Space and Ancillary Facilities
- Vehicular Access, Car and Cycle Parking
- Surface Water Drainage issues as raised by Dun Laoghaire Rathdown County Council Drainage Planning Section
- Any other matters

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

5.3. In the Notice of Pre-Application Consultation Opinion dated 09th June 2020 (ABP-306829-20) An Bord Pleanála stated that it was of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. An Bord Pleanála considered that the following issues needed to be addressed.

Building Height

Further consideration of the documents as they relate to the building heights proposed in the development, including visual impacts, impacts on residential amenities and the achievement of a satisfactory transition in scale between the proposed development and adjacent properties. This consideration and justification should have regard to, inter alia, the guidance provided in the Building Height Strategy of the Dun Laoghaire Rathdown County Development Plan 2016-2022, the site-specific guidance provided in the Goatstown Local Area Plan 2012 (as ABP-306829-20 Pre-Application Consultation Opinion Page 2 of 6 extended) and Policy UD6 of same and the Urban Developments and Building Height Guidelines for Planning Authorities 2018. The applicant is to consider whether the development constitutes a Material Contravention of the Building Height Strategy set out in Appendix 9 of the Dun Laoghaire Rathdown County Development Plan 2016-2022. If considered necessary, the applicant is to submit a Material Contravention Statement and to publish a Newspaper Notice in accordance with the requirements of section 8(1)(a)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

Provision of Communal Open Space and Student Facilities and Amenities

Further consideration of, and if necessary, further justification for, the quantum and distribution of public open space provided to serve the development, also internal communal services and amenities for residents of the scheme, to address the following matters:

- Hard and soft landscaping and SUDS measures, including the detailed layout, accessibility and management of roof gardens (if provided);
- Potential integration of cycle parking and refuse storage into the ground floor of the development.

This consideration / justification should have regard to the Department of Education and Science Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999, Policy RES12 and section 8.2.3.4 of the Dun

Laoghaire Rathdown County Development Plan 2016-2022 and other relevant guidance on student accommodation. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

Potential Impacts on Residential and Visual Amenities

Further consideration/justification of the documents as they relate to potential impacts on residential and visual amenities at Trimbleston and Willowfield Park and other adjacent residential properties to include:

- Detailed elevations and cross sections indicating existing and proposed levels relative to the Goatstown Road and to adjacent residential properties and open spaces within Trimbleston and Willowfield Park.
- Visual Impact Assessment (VIA) to include verified photomontages of the development from Goatstown Road (north and south of the site), from within the Trimbleston development and from Willowfield Park. The VIA should include views of the development with both winter and summer vegetation and to include any plant or other structures on the roof of the proposed development, in order to give as accurate a representation as possible.
- Assessment of overshadowing and impacts on natural daylight in adjacent habitable rooms, communal open spaces and private amenity areas having regard to BRE guidance.
- The proposed development is to be designed to avoid direct overlooking of adjacent residential properties.

The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

Frontage and Interaction with the Public Realm at Goatstown Road

Further consideration/justification of the documents as they relate to the development frontage to Goatstown Road to address the following issues:

- Delivery of a façade that relates well to surrounding development, with a high quality of design and finish, to include consideration of the existing building lines, heights and setbacks at this location;
- Provision of an active frontage to Goatstown Road at ground floor level, to include consideration of the location of the proposed concierge / reception area;
- Provision of safe vehicular, pedestrian and cycle access to the development with regard to DMURS and to the safe provision of accessible car parking and cycle parking, to include consideration of the proposed set down area;
- Provision of a positive contribution to the public realm at Goatstown Road, to include boundary treatment, pedestrian and cycle facilities and hard and soft landscaping.

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

1. Housing Quality Assessment.
2. Student Accommodation Management Plan to provide details of the ongoing management of the proposed student accommodation, including any use of the facility as tourist accommodation outside of term times.
3. Daylight/Sunlight analysis.
4. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, landscaped areas, pathways, entrances and boundary treatments.
5. Comprehensive landscaping proposals.
6. Topographical survey of the site and detailed cross sections.
7. Rationale for proposed car parking provision with regard to development plan car parking standards.

8. Rationale for proposed cycle parking provision – quantum, design and layout.
9. Statement of Compliance with the Design Manual for Urban Roads and Streets (DMURS).
10. Road Safety Audit and Quality Audit.
11. Additional drainage details having regard to the report of DLRCC Drainage Planning Section.
12. AA Screening Report

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

- Uisce Eireann
- Transport Infrastructure Ireland
- National Transport Authority
- Failte Ireland (in relation to the provision of tourist accommodation at the development)
- Department of Culture, Heritage and the Gaeltacht (National Park's and Wildlife Service).

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

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

Scale and Design of Development

An Architects Design Statement, Architectural Response, and a Townscape and Visual Impact Assessment have been submitted. The building height proposed is not a material contravention of Development Plan policy and is not more than two-

storey higher than prevailing height in the area and compliant with the criteria under Table 5.1 of the Development Plan Building Height Strategy.

Provision of Communal Open Space and Student Facilities and Amenities

A Housing Quality Assessment is submitted. 1,516sqm of external communal open space is provide with 509sqm of internal amenity space provided equating to c.9sqm per resident. Detailed Landscape Plans and a Landscape Design Rationale have been submitted. Relocation of the single storey-structure housing refuse and storage and laundry was investigated however the proposal as sought was considered the most suitable. The proposal accords with the design standards of the 1999 Section 50 Finance Act guidelines. The proposal accords with the Dun Laoghaire County Development Plan design standards and the design standards of the Dublin City Development Plan which is the only plan that has specific development control standards for student accommodation.

Potential Impacts on Residential and Visual Amenities

Detail sections and a response report (Architectural Response) demonstrate the proposal has regard to adjoining amenity. A Townscape and Visual Impact Assessment has been submitted demonstrating acceptable visual impact. A Sunlight/Daylight Analysis demonstrating a satisfactory impact on adjoining properties. A number of design measures are implemented to minimise overlooking of adjoining properties.

Frontage and Interaction with the Public Realm at Goatstown Road

Architectural Response report including details and rationale for facade design and the Statement of Consistency deal with context and building height. A statement showing compliance with DMURS is also included.

The applicant has submitted the specific information requested under the Notice of Pre-Application Consultation Opinion. I would refer to the list of documents submitted under Section 3 Proposed Strategy Housing Development of this report.

6.0 Relevant Planning Policy

6.1. *Dun Laoghaire Rathdown County Development Plan 2022 -2028*

6.1.1 The site zoned is 'Objective A' with a stated objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. The proposed uses on the land including residential (student housing). This use is open for consideration under land use zoning policy as outlined under Table 13.1.2 in relation to this zoning objective.

The main policies/objectives are set out below. This is not an exhaustive list and should not be read as such. The Board should consider inter alia the following:

6.1.2 Section 12.3.7.11 Student Accommodation

All proposals for student accommodation should comply with the Department of Education and Science Guidelines on Residential Development for Third Level Students (1999), the subsequent supplementary document (2005), the provision of the 'National Student Accommodation Strategy' (2017), circular PL8/2016, and circular NRUP/05/2021.

The Council will support the provision of on-campus accommodation and purpose built-professionally managed student accommodation off-campus at suitable locations. When dealing with planning applications for such developments a number of criteria will be taken into account including:

- The location of student accommodation should follow the following hierarchy of priority:
 - On campus
 - Within 1km distance from the boundary of a Third Level Institute

- More than 1km from a Third Level Institute and within close proximity to high quality public transport corridors (DART, N11 and Luas), cycle and pedestrian routes and green routes. In all cases such facilities will be resisted in remote locations at a remove from urban areas.
- The potential impact on residential amenities. Full cognisance will be taken of the need to protect existing residential amenities particularly in applications for larger scale student accommodation, and such accommodation will not be permitted where it would have a detrimental effect.
- The level and quality of on-site facilities, including storage facilities, waste management, covered cycle parking and associated showers and locker, leisure facilities, car parking and amenity.
- The architectural quality of the design and also the external layout, with respect to materials, scale, height and relationship to adjacent structures. Internal layouts should take cognisance of the need for flexibility for future possible changes of use.
- The number of existing similar facilities in the area (applicable only to off-campus accommodation). In assessing a proposal for student accommodation, the Planning Authority will take cognisance of the amount of student accommodation which exists in the locality and will resist the over-concentration of such schemes in any one area in the interests of sustainable development and residential amenity.

6.1.3 Policy Objective PHP18: Residential Density

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

Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential

amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

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

- On all developments with a units per hectare net density greater than 50, the applicant must provide an assessment of how the density, scale, size and proposed building form does not represent over development of the site. The assessment must address how the transition from low density to a higher density scheme is achieved without it being overbearing, intrusive and without negatively impacting on the amenity value of existing dwellings particularly with regard to the proximity of the structures proposed. The assessment should demonstrate how the proposal respects the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring uses.
- On all developments with height proposals greater than 4 storeys the applicant should provide a height compliance report indicating how the proposal conforms to the relevant Building Height Performance Based Criteria "At District/Neighbourhood/Street level" as set out in Table 5.1 in Appendix 5.
- On sites abutting low density residential development (less than 35 units per hectare) and where the proposed development is four storeys or more, an obvious buffer must exist from the rear garden boundary lines of existing private dwellings.
- Where a proposal involves building heights of four storeys or more, a step back design should be considered so as to respect the existing built heights.

6.1.5 The Development Plan specifies under the Council's Specific Local Objectives (SLOs) for Map 1 (Clonskeagh/Dundrum) where the site is located an objective "to accord with the policies of the adopted Goatstown Local Area Plan"

- 6.1.6 Policy Objective PHP42: Building Design & Height It is a Policy Objective to:
Encourage high quality design of all new development. Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF).

Appendix 5

Building Heights Strategy

Policy Objective BHS 1 – Increased Height.

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

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

The site is within the boundary of the Goatstown Local Area Plan 2012. The Development Plan specifies under the Council's Specific Local Objectives (SLOs) for Map 1 (Clonskeagh/Dundrum) where the site is located an objective “to accord with the policies of the adopted Goatstown Local Area Plan”.

Appendix 5

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

Having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 there may be instances where an argument can be made for increased height and/or taller buildings in the residual suburban areas. Any such proposals must be assessed in accordance with the criteria set out in table 5.1 as contained in Section 5. The onus will be on the applicant to demonstrate compliance with the criteria.

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

Table 15.1 Criteria for assessing proposals for increased height.

At County Level

At District/Neighbourhood/Street Level

At site/building scale

County Specific Criteria

6.1.7 Car parking Table 12.5 Parking Zone 3

Student Hostel/Accommodation

Maximum 1 per 10

Section 12.4.5.2 Application of Standards

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

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

- Proximity to public transport services and level of service and interchange available.

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

Bicycle Parking Table 12.8

Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (Table 4.1).

6.1.8 Public Open Space Requirements for Residential Developments

Table 12.8 Residential Development in the existing built up area 15% of the site area. It is acknowledged that in certain instances it may not be possible to provide the above standards of public open space. High density urban schemes and/or smaller urban infill schemes for example may provide adequate communal open space but no actual public open space. In these instances where the required percentage of public open space is not provided the Council will seek a development contribution under Section 48 of the Planning and Development Act 2000, as amended. The contribution in lieu to be paid for any shortfall in the quantum of public open space to be provided will be used for the provision of improved community and civic infrastructure and/or parks and open spaces, in the vicinity of the proposed development for use of the intended occupiers of same. On overall sites of less than 0.25 ha, the Council may also consider levying a contribution in lieu of public open space.

6.1.9 Section 12.3.4.2 Habitable Rooms: All habitable rooms within new residential units shall have access to appropriate levels of natural /daylight and ventilation.

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.

6.1.10 Section 12.3.1.1 Design Criteria

Levels of privacy and amenity, the relationship of buildings to one another, including consideration of overlooking, sunlight/daylight standards and the appropriate use of screening devices.

6.2. ***Goatstown Local Area Plan 2012***

6.2.1 The Goatstown Local Area Plan was adopted in April 2012 to run a period of 6 years, the plan was extended for a further 5 years in 2018 but has now expired. Policies and objectives of the plan are relevant given the Council's Specific Local Objectives (SLOs) for Map 1 (Clonskeagh/Dundrum). I would highlight the following policy objective of the Goastwon Local Area Plan.

UD6: It is an objective of the Plan that a benchmark height of three storeys (with a possible additional set back floor or occupied roof space) shall apply on the sites of the Goat Public House, Topaz garage and adjoining retail units and the former Victor Motors site. Height should graduate down to a maximum of two-storey along the site boundaries where they adjoin existing low-rise development.

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

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

6.4 ***National Planning Framework***

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

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being'.
- National Planning Objective 11 provides that 'In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth'.
- National Planning Objective 13 provides that "In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected".

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

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages’.
- National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

6.5 ***Section 28 Ministerial Guidelines***

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

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

6.6 ***Other***

Climate Action Plan

National Biodiversity Action Plan

6.7 ***Applicants Statement of Consistency***

6.7.1 The applicant has submitted a Statement of Consistency (as part of the Planning Report) as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is

consistent with the policies and objectives of section 28 guidelines and the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Dun Laoghaire Rathdown County Development Plan 2022-2028, which was a draft document at the time of lodgement. This has been examined and noted.

6.8 *Material Contravention Statement*

6.8.1 The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Goatstown Local Area Plan 2012. At the time of lodgement (06th April 2022) the 2016-2022 Development Plan was in place, the current 2022-2028 Development Plan had been recently adopted (10th March 2022) and came into effect on the 21st April 2022. The Goatstown Local Area Plan 2012 Local Area Plan was also in force. The Goatstown Local Area Plan 2012 has since expired in 2023. The statement is summarised below: -

6.8.2 Building Height

Building height of up to 6 storeys is proposed. Policy UD 6 of Development Plan (2016-2022), which requires adherence to Building Height Strategy. For apartment developments a maximum of 3-4 storeys may be permitted in appropriate locations with minor modifications in height considered. The Goatstown Local Area Plan 2012 identifies a benchmark height of three-storeys with a possible setback floor at roofscape. The applicant justifies the height in the context of Section 37(2)(b) being of strategic and national importance due to national policies regarding housing provision and demand for additional student accommodation. In the context of Section 28 guidelines including the Building Heights Guidelines and the compliance with criteria for taller building under SPPR 3.

6.8.3 Part V

Appendix 2 of the Interim Housing Strategy of the Dun Laoghaire Rathdown County Development Plan 2016-2022 state that.

“No social housing will be required in instances where it is proposed that student accommodation is to be provided on the campus of a Third Level Institution. In all other instances of student accommodation, the standard 20% social housing requirement will apply.

The applicant refers to Policy RES2: Implementation Interim Housing Strategy where specific exemptions to Part V where a reduced social/affordable element may be acceptable include.

- Third level student accommodation of the type that has/or would have otherwise qualified for tax relief under Section 50 of the Finance Act 1999 (refers also to Policy RES12).

It is noted that the scheme has been designed to meet the criteria outline within the ‘Guidelines of Residential Development for 3rd Level Students, Section 50 of the Finance Act 1999’. If considered a material contravention the applicant has outlined justification under the four criteria under Section 37(2)(b) of the Planning and Development Act. The applicant outlines the how the proposal is of strategic and national importance in the context of National policy on housing demand and provision student accommodation. The applicant outlines how section 28 guidelines apply referring to the Apartment Guidelines which identify that shared accommodation and student accommodation will not normally be subject to Part V requirements. The applicant also refers to student accommodation schemes permitted in the Dun Laoghaire area with no Part V obligations (300520 and 303467).

6.8.4 Conclusion: The applicants state that the Board can consider granting permission for the proposed development under the provisions of Section 10(3) of the 2016 Act in contravention of the Dun Laoghaire Rathdown County Development Plan 2016 and the Goatstown Local Area Plan 2012 for the reasons outlined and pursuant Section 37(2)(b)(i) and (iii) of the 2000 Planning Act (as amended).

7.0 Third Party Submissions

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

Bernard McBride
Brian Patterson
David Isaacson
Edward & Mary Sherry
Elaine & Alan Sorohan
Eugene and Mary McAneaney
Gary McIlroy
Helen Barry & Cearbhall O'Siobhan
John & Catherine English
Maua Young & David Halpin
Roisin & Paul Coyle
Paul Kidney
Wes Condon & Phyllis Condon
Roebuck Residents Association
Seamus & Michael O'Sullivan
Stan McHugh
Stephen Carruthers
Trimbleston Owners Management
William & Anne Scollard
Yvonne Brett
Yvonne Dillon
Conor Dillon & Niamh McCawley
John & Oksana Cronin

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

- Two previous applications refused on site (238413 and 227350) with the same reasons applying this case. Insufficient amendment of proposal in comparison to permission ABP-308353 quashed by the High Court.
- Excessive plot ratio, site coverage, density and scale relative to existing development in the area.
- Inadequate parking provision for the proposed development as taken in conjunction with the student development approved under ABP-307440-20, material contravention of Development Plan standards and lack of justification to material contravene the Development Plan under Section 37 of the Planning and Development Act, 2000 (as amended).
- Increased traffic in the area with traffic safety concerns and exacerbation of existing traffic congestion. Lack of cycling infrastructure along the public road and concerns regarding the design and layout in terms cycling and pedestrian safety.
- Observations question the need for student accommodation given level of such proposed/permitted in the area and justification for the proposal as strategic development. Inappropriate type of residential development with more family orientated development appropriate at this location, inadequate for holiday accommodation. Potential for future change to co-living also noted.
- Inadequate parking on site, lack of staff parking, potential issues for start and end of term, lack of parking available in the adjoining area. Overspill of parking to adjoining residential development.
- Lack of provision of loading bays within the development and lack of public car parking facilities in the area.
- Lack of traffic assessment, poor parking and access layout causing traffic hazard, lack of compliance with DMURS, overspill parking and traffic movements causing traffic hazard.
- Inadequate bicycle parking including non-compliance with the development Plan and Apartment guidelines (covered secure bicycle parking) and insufficient provision of motorbike parking
- Over-development of the site. Excessive height and density. Poor quality design, out of character at this location, excessive scale, bulky, overbearing

and deviation from established building line. Adverse impact on the visual amenities of the area and lack of adequate assessment from adjoining developments.

- Material Contravention of County Development Plan and LAP not justified under 37(2)(b). The proposal is a material contravention of Building Height policies of the County Development Plan and LAP. The proposal materially contravenes car parking standards.
- Lack of mitigation measures to prevent overlooking from roofspaces, lack of mitigation measure to prevent noise impact.
- Inadequate quality of scheme in terms of number of north facing units, lack of quality communal and public open space, inadequate provision communal facilities of residents.
- Inadequate assessment of daylight, sunlight and overshadowing. Incorrect assessment of daylight standards for adjoining development, lack of assessment of sunlight levels in the proposed development and severe overshadowing impact of existing properties and their associated private and communal open space.
- Failure to comply with the policies and objectives of the Goatstown LAP and the Dun Laoghaire Rathdown County Development Plan. Excessive building height in the context of the County Development Plan Building Height Strategy, LAP and Building Height Guidelines.
- Impact on existing residential amenities through overlooking and overshadowing due to proximity and scale to existing development in regard to Trimbleston, Willowfield Park/Drive and properties along Goatstown Road. Impact of location of communal open space at roof level in terms overlooking/adjoining residential amenity. Potential for antisocial behaviour and noise impact adjoining residential amenity. Failure to comply with Objective A zoning objective.
- Proximity and layout of development to existing residential development causing noise and disturbance and impacting existing residential amenities.
- Construction impact will cause noise, vibration and disturbance and impact adjoining residential amenities.

- Inadequate public transport capacity with concerns regarding accuracy of information provided by the applicant in this regard.
- Inaccurate documents including statements regarding status of Goatstown Road as a future QBC and. Lack of Cycle Audit provided as required.
- Drainage concerns with flooding along Goatstown Road frontage and potential impact on existing drainage infrastructure.
- Adverse impact on development potential of adjoining sites (10 Willowfield Park) due to inadequate separation distances.
- Issue of summer accommodation not addressed in particular parking provision.
- Lack of pre-application consultation for proposal with reliance on pre-application consultation for a previous application that was subsequently (308353) quashed by the High Court.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 31st day of May 2022. The report includes a summary of the pre-planning history, site location and description, relevant planning history, third-party submissions and prescribed bodies, the proposed development, internal reports and policy context.

The views of the elected members presented at the Dundrum Area Committee Meeting held on 05th May 2022 are summarised as follows: Lack of sufficient car parking, potential noise impacts, consideration of Goatstown LAP required, SHD system criticised, potential change of use to co-living, adverse visual impact, adverse impacts on adjoining residential amenities, inadequate support facilities and amenities, criticism of layout and ratio of rooms to kitchens.

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

Principle of Development

Proposal acceptable in principle being a compatible use in the Objective A zoning and its proximity to the University College Dublin campus.

Site Location

Off-campus accommodation would be acceptable at this location having regard to its location in proximity to UCD campus, proximity to public transport and level of cycle and pedestrian infrastructure in the area.

Density

Density is stated as being 147 units/650 bedspaces per hectare (based on 50 units). The density is considered excessive and overdevelopment of the site being three times the Development Plan minimum standards for an accessible location. It is suggested that such could be addressed by way of removing some clusters.

Site Layout

Concerns regarding the visually obtrusive impact on the streetscape due to scale and level of projection beyond existing building line on the adjoining site. Such could be addressed by way of recessing the sixth-storey off the northern boundary and angled windows reduce overlooking to the north (existing rooftop garden). Level of communal open space is considered inadequate but could be addressed by way of condition requiring the service building and cycle parking to be relocated within the south-east block in lieu of the ground level cluster facing the courtyard.

Building Height

Height exceeds benchmark height specified in the Goatstown LAP. Policy BH2 does allow for consideration of taller buildings. The CE Report outlines how the development meets the criteria of Building Height Guidelines (Section 3.2). The Planning Authority accept the building height subject to changes suggested.

Standard of Accommodation

Standards for student accommodation are under the Guidelines for Residential Developments for 3rd Level Students (Dept of Education and Science). The type and mix of unit are considered acceptable. Unit size is considered acceptable however is suggested that one of the bedrooms of the 8-bed cluster could be relocated to the adjoining 5-bed cluster. Level of kitchen area and bedrooms sizes are in accordance with the relevant guidelines.

Level of communal and amenities is considered acceptable. A condition could address concerns regarding lack of direct access to communal lounges for a significant portion of the clusters. The proposed development performs to an acceptable standard in regard to daylight and sunlight.

Noise

The submitted Noise Impact Assessment report is noted. It is noted that the structures on site are not setback from the road and adjoining properties as much as would be possible to mitigate impact of traffic noise. The Management Plan in relation to roof top spaces is noted and can be addressed by way of condition

Open Space and Landscaping

The level of communal open space is considered acceptable. It is recommended that the ground floor communal open space be increased by omitting the single-storey bin storage structure and incorporating such into main structure at ground level. Omission of one of the fourth-floor roof terraces (based on noise concerns) is recommended and such will be offset by the increase ground level communal space.

Design and Finishes

The proposed design is considered to be suitable for an urban area. A condition requiring external finishes to be agreed prior to the commencement of development should be applied if granted.

Access, Car and Bicycle Parking, Public Realm Access

Transportation Section recommend existing public footpath and verge arrangement to be retained. 16 car parking spaces are recommended to ensure sufficient parking with it considered that the parking level proposed is insufficient. Bicycle parking level does comply with DLRCC cycle standards however at least 50% of long-term cycle parking should be Sheffield type stands. The proposal should provide for an integrated proposal that allows for retention of the planted verge. Consideration should be given to providing access at the southeast corner of the site to the existing laneway linking to Willowfield Park.

Water Services and Flood Risk

No objection to drainage proposals with the Site-Specific Flood Risk Assessment considered to be appropriate.

Construction and Operational Waste Management Plans

Operational Waste Management Plan is not satisfactory in term of segregation and collection of waste. A new plan should be agreed subject to condition. In the event of a grant a condition should be attached requiring submission and agreement of a Construction and Traffic Management Plan.

Impacts on Residential and Visual Amenity

Measures suggested to break up blank eastern elevation of the six-storey element to the north of the site (high level windows). It is suggested that the most northern cluster of the sixth storey be omitted to recess the sixth storey from the northern elevation. Measures are also required to break up the blank facade of the four-storey element to the rear of the site facing existing townhouses in Trimbleston. It is considered that overlooking occurs due to separation and orientation relative to adjoining apartment in Trimbleston and can be addressed by way of condition (angled louvers/angled windows). Concerns raised regarding overlooking from living windows to the garden of 10 Willowfield Park. Similar measures by way of condition would deal with such. It

is considered there is an overreliance on blinkered/angled windows on the southern elevation. The omission by condition of the roof terrace on the block to the rear (south-east) would overcome potential overlooking. There is general satisfaction with daylight and sunlight level subject to amendments suggested previously in the CE report. Concern regarding visual prominence along Goatstown Road, which can be dealt by way of amendments by way of condition (recessing sixth floor from the north).

Miscellaneous

The Management plan is noted. A condition is required that there shall be 24-hour presence of staff on-site. The use of the development outside term for tourist accommodation is considered acceptable. The findings of the Archaeological Assessment, Ecological Impact Assessment and Bat Survey Report are accepted. The conclusion of the AA and EIA screening are noted.

Conclusion

The proposal is generally acceptable subject to a number of conditions including amendments consisting of the removal of cluster P38 at 5th floor level to address concerns about height, the removal of cluster P2 at ground level to increase car parking and removal of P3, P4 and Studio S2 at ground level to allow cycle parking and bin storage to be brought within the building footprint.

Recommendation

It is recommended that permission be granted subject to a list of conditions provided.

Conditions of note:

Condition 2: Amendments including omission of cluster P38, removal of fourth floor roof garden to rear of block, louvered windows to second and third floor windows on southeastern elevation, omission of cluster P3, P4 and Studio S2 at ground floor and omission of bin store to be incorporated into ground floor, omission of cluster P2 to accommodate additional undercroft parking (6-8 spaces), break up eastern gables with high level/clerestory windows.

Condition 3: Provision of 199 no. bedspaces only.

Condition 5: 24-hour staff presence required.

Condition 14: Provision of Sheffield stands and covered long stay bicycle parking

8.3 Dun Laoghaire Rathdown County Council Reports

Internal Departmental Reports

Drainage Planning: No objection subject to conditions.

Transportation Planning:

Provision of Sheffield stands instead of stacked bicycle parking recommended. Consideration should be given to provision of controlled permeability access from southeast corner to Willowfield Park. Entrance and exit not DMURS compliant. The provision of 16 no. managed car parking spaces is recommended to avoid overspill or inappropriate/illegal parking. Cycle parking levels are less than recommended under the Apartment guidelines but in accordance with Council standards. Conditions recommended in the event of a grant of permission.

Parks and Landscape Services:

Submitted Landscape scheme is of an acceptable standard. Provision of open space is deemed to be insufficient in terms of Section 12.8.3 of the Development Plan. A condition requiring a Development Contribution in lieu of public open space be provided (€2,000 per dwelling).

Water Services- The issue of durability of sedum roofs in areas where access is provided should be address in the context of the 4th and 5th floor roof terraces. Conditions recommended in the event of a grant of permission.

Housing Department: Student accommodation off-campus is not exempt from Part V, and it is recommended that a Part V condition be applied.

Environment/Waste Section: Concern regarding the proposed operational waste management measures for segregation and collection of waste. A revised operational waste management plan should be conditioned.

9.0 Prescribed Bodies

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

- Uisce Eireann
- Transport Infrastructure Ireland
- National Transport Authority
- Failte Ireland (in relation to the provision of tourist accommodation at the development)
- Department of Culture, Heritage and the Gaeltacht (National Park's and Wildlife Service).

9.2. The following submission were received:

Inland Fisheries Ireland

Essential that receiving foul and storm water infrastructure has adequate capacity with Ringsend WWTP operating beyond capacity. All discharges to comply with European Regulations. Construction to be in line with a Construction and Environmental Management Plan. Submission refers to IFI guidelines.

TII

The TII have no observations to make.

Department of Housing, Local Government and Heritage

The details of by which surface water reaches Dublin Bay is not traced. The submission raises concerns regarding impact on both the South Dublin Bay SAC and South Dublin Bay and River Tolka SPA and specific qualifying interests. A number of conditions are recommended including a Construction and Environmental Management Plan and a lighting design to minimise impact on bats.

10.0 Assessment

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

10.2 In addition, the assessment considers, and addresses issues raised by any observations on file, under relevant headings. I have visited the site and its environs.

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

- Zoning/Principle of Development/Nature of Use
- Density
- Unit Mix/Type
- Building Height/Plot Ratio
- Compliance with Tallaght Town Centre Local Area Plan
- Visual Impact
- Urban Design
- Residential Amenities-Future Occupants

- Adjoining Amenities
- Traffic and Transportation
- Drainage Infrastructure /Flooding
- Ecological Impact
- Summer Accommodation
- Other Issues
- Material Contravention

10.3 Zoning/ Principle of Development/Nature of Use

10.3.1 The proposed development is on lands zoned the site zoned 'Objective A' with a stated objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. The site is in an established residential area with a mixture of residential units in the vicinity including dwellings and apartment units. The proposal is for student accommodation providing for 221 no. bedspaces with a mix of clusters consisting of a kitchen/living area with a number of bedrooms attached (between three bed to eight bed clusters) and 10 no. studio units. The third-party observations question the appropriateness of the provision of student accommodation in an established residential area with it noted that more family orientated type residential development would be appropriate as well as questioning the need for such accommodation outside of the existing University College Dublin Campus and in the context of other permitted student developments in the area. The observations also raise concerns regarding the potential for future use as co-living units.

10.3.2 The proposal is for student accommodation with such indicated as being 'open for consideration' under Table 13.1.2 of the current County Development Plan in relation to the zoning. Development Plan policy under 12.3.7.11 supports the provision of on-campus accommodation and purpose built-professionally managed student accommodation off-campus at suitable locations. The policy outlines the hierarchy of priority of locations, which includes more than 1km from the boundary of third level institution and within close proximity to high quality public transport

corridors, cycle and pedestrian routes and green routes. In all cases such facilities will be resisted in remote locations at a remove from urban areas. In this case the proposal is not at a remove from the urban area being within the built-up area, is 1.4km walking distance from the UCD Campus (Roebuck Road entrance) and 1.5km walking distance from Dundrum Luas stop and 1.9km walking distance of Dundrum Town Centre. I would be of the view that the location falls within hierarchy of locations identified under Development Plan policy as suitable for student accommodation. The third-party observation question compliance with the Objective A zoning in terms of overall impact on existing residential amenities. The physical impact of the proposal impact and acceptability in terms of adjoining amenities will be dealt with in other sections of this assessment.

10.3.3 The third-party observations question the need for the accommodation in question with it pointed out that improvements to supply of on-campus accommodation within the UCD campus in conjunction with other permitted off-campus student accommodation in the area. The National Planning Framework (NPF) identifies that “demand for student accommodation exacerbates the demand pressures on the available supply of rental accommodation in urban areas in particular. In the years ahead, student accommodation pressures are anticipated to increase. The location of purpose-built student accommodation needs to be as proximate as possible to the centre of education, as well as being connected to accessible infrastructure such as walking, cycling and public transport. The National Student Accommodation Strategy supports these objectives. The National Student Accommodation Strategy identifies that there is demand for purpose building student accommodation (PBSA) of 75,640 bedspaces by the year 2024. In terms of future use as co-living units, the development description in the public notices is for student accommodation (including use as visitor accommodation outside academic term) and such is being assessed on its merits in this regard. Use for co-living is not part of the development description and would require a change of use/separate permission and I would refer to SPPR 7 of the Apartment Guidelines where there is presumption against granting shared/co-living developments unless required to meet specified need under a Housing Need and Demand Assessment.

10.3.4 CE Report Comment: The CE report states that the proposed use is compatible with the Objective A zoning and accept that the location is a suitable location for student accommodation. The CE report also the accepts the need for additional student accommodation and raises no objection the principle of such at this location other than having issue with design and scale with a number of suggested amendments.

10.3.5 Conclusions on Zoning/ Principle of Development/Nature of Use: Student accommodation is identified as a use 'open for consideration' under the Objective A zoning of the site. Development plan policy supports the provision of purpose built-professionally managed student accommodation off-campus at suitable locations. The proposed development is at a location that is supported under Development Plan policy as a suitable location for student accommodation having regard to its location in an established urban area and its accessibility to a third level institution, public transport infrastructure and a major town centre. The provision of additional student accommodation is an objective of the National Planning Framework. The National Student Accommodation Strategy identifies a significant demand for purpose-built student accommodation bedspaces up to the year 2024. I have no reason to come to the conclusion that the level of student bedspaces provided both on-campus and permitted/constructed off-campus is such that there is a lack of need for additional student accommodation with the provision of such supported by local and national policy objectives. The impact in terms of physical scale and adjoining amenities will be dealt with in later sections of this report. The proposed development and nature of use proposed is acceptable in principle at this location.

10.4 Density

10.4.1 The site has a gross site area of 0.34 hectares. The proposal is for student accommodation consisting of 221 bedspaces and ancillary accommodation. The relevant guidelines are the Sustainable Residential Development and Compact Settlement Guidelines which indicates that student accommodation density should be calculated on the basis of 1 dwelling per 4 bedspaces for net density. On this basis the permitted development is the equivalent of 55.25 units yielding a density of

giving a density of 162.5 units per hectare. The County Development Plan does support increased densities under Policy Objective PHP18 and requires regard to the protection of the residential amenities of existing residential development in built up areas adjoining new development. CDP policy identifies 35 units per hectare as a default minimum density on zoned lands (Objective A). Section 12.3.3.2 of the CDP states that density should be determined with reference to the Sustainable Residential Development in Urban Areas Guidelines and the Apartment Guidelines. In the context of the Apartment Guidelines the site is a 'Intermediate Urban Location with such areas identified as being 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. The site is within 1,000-1,500m walking distance of the Dundrum Luas stop (1.5km), 1.9km walking distance of Dundrum Town Centre and 1.4km walking distance of University College Dublin. In the context of the Sustainable Residential Development and Compact Settlements guidelines (have superseded the Sustainable Residential in Urban Areas guideline) the site is located in a City - Suburban/Urban Extension in which densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8). The third-party observations raise concerns regarding the density of the development in the context of existing development of adjoining sites.

10.4.2 CE Report Comment: The CE report considers that the density is considered excessive and overdevelopment of the site being three times the Development Plan minimum standards for an accessible location. It is suggested that such could be addressed by way of removing some clusters.

10.4.3 Conclusion on Density: The site is located in an area with a suburban character however there is a varied mix in the type of residential units with a mixture of low to medium residential development consisting of two-storey detached, semi- detached, terraced dwellings and apartment blocks. The site is an accessible location and is in walking and cycling distance of high frequency high-capacity public transport (Luas

Green line), Dundrum town centre and the University College Dublin campus. Based on the relevant national guidelines, which are referenced by the Development Plan in determining density policies and the site context, the density level proposed is marginally higher than the density level of up to 150 units acceptable that shall be open for consideration at 'accessible' suburban / urban extension locations (Sustainable Compact Settlement guidelines). I would not recommend refusal on this fact alone and would consider such should be considered in conjunction with the issue of impact on adjoining amenity and overall physical impact of the scheme, which are factors that will be assessed and dealt with in later sections of this report.

10.5 Building Height

10.5.1 The proposal entails the provision of a student accommodation block that features sections that are one-storey, four-storeys, five-storeys and six-storeys. The site is located on the east side of Goatstown Road with significant frontage along the public road. The block is a U-shaped block with part one-storey part four-storey section to the south of the site, a long section fronting the Goatstown road that increases in height moving northwards from four-storeys to the south to five-storey and six-storeys on the northern side of the site. The third-party observations raise concern regarding the proposed building height as being excessive in addition to concerns regarding physical scale and bulk in regard to the existing pattern of development and in terms of physical impact on adjoining properties. Reference is also made to the Goatstown Local Area Plan (LAP) and objectives on height with UD6 setting benchmark height of three-storeys (with possible additional setback floor or occupied roofspace) for a number of sites including the application site.

10.5.2 The Development Plan specifies under the Council's Specific Local Objectives (SLOs) for Map 1 (Clonskeagh/Dundrum) where the site is located an objective "to accord with the policies of the adopted Goatstown Local Area Plan". Appendix 5 of the Development Plan is the Building Height Strategy (BHS), which has regard to the

National Planning Framework and the Building Height Guidelines. The site is in an area covered by Policy Objective BHS2 – Building Height in areas covered by an approved Local Area Plan or Urban Framework Plan (UFP must form part of the County Plan). The BHS acknowledges the policies of the Goatstown LAP and in particular the benchmark height under Objective UD6. Policy under the BHS does state that “there may be instances, however, where an argument can be made for increased height within the plan area and in those instances any such proposals would have to be assessed in accordance with any new performance criteria as outlined in the County Development Plan and SPPR3”.

10.5.3 Section 5 of the BHS relates to Performance Based Criteria with Table 5.1 providing the criteria for assessing proposals for increased height, which are based on the criteria under Section 3.2 of the Building Height Guidelines. The applicants Statement of Consistency (Section 6.1.5) contains an assessment of how the proposal complies with the performance criteria for increased building height under Table 5.1.

10.5.4 As the proposed development is higher in height than the specified benchmark height under UD6 of the Goatstown LAP, the proposal must be assessed in the context of the performance criteria under Table 5.1 of the BHS.

At County Level: The proposal would secure the objectives of the NPF encouraging compact growth and the provision of student accommodation. The site is well served by public transport being 1.4km from Dundrum Luas stop, Goatstown Road served by the number 11 bus, which has a half hour frequency as well walking distance of a number of other bus routes that will be subject to improved services under Bus Connects proposals (S6 Orbital Route and 86 Radial Route). The development would enhance the public realm of the area providing for frontage development along Goatstown Road with public realm upgrades. The proposal does not impact any

protected views or prospects in the area. The infrastructural capacity of the area would be sufficient to cater for the proposal.

10.5.5 At District/Neighbourhood/Street Level: The proposal is satisfactory in terms of responding to the natural and built environment and would contribute to the neighbourhood streetscape, is sufficiently varied in scale to not appear monolithic, uses high quality materials, makes a positive contribution to legibility along the Goatstown Road and improves the public realm, positively contributes to the mix of development type and unit type in the area.

10.5.6 At Site/Building Scale: The proposed design provides a satisfactory development in context of daylight and sunlight access as well as minimising overshadowing (explored in more detail in later sections of the report). The proposal is generally satisfactory in the context of adjoining residential amenity in relation to overlooking and overshadowing (elaborated in later section of this assessment) however there are some aspects of the proposal where overlooking would arise and could be dealt with by way of amendment to the upper floors of the proposal if the Board is minded to grant permission. The site is not located within an Architectural Conservation Area and has no impact on any structures of architectural conservation value. The development is designed with energy efficiency in mind with an Energy and Sustainability Statement accompanying the application to demonstrate how the proposal achieves energy efficiency.

10.5.7 County Specific Criteria: The requirement for specific assessment of a number of factors have been satisfied and in this case a number of specific assessments have been undertaken and submitted with this application, specifically in relation to sunlight/daylight, and noise impact. A Screening Report for AA and a screening for Environmental Impact Assessment have been submitted. I am satisfied that

adequate information has been submitted and is available to enable me to undertake a comprehensive assessment of the impact of the proposed development.

10.5.8 CE report Comment: The height exceeds benchmark height specified in the Goatstown LAP. Policy BHS2 does allow for consideration of increased height subject to compliance with the performance base criteria under Table 5.1. The CE Report outlines how the development meets these criteria which are derived from the Building Height Guidelines (Section 3.2). The Planning Authority accept the building height subject to changes suggested (increased setback of fifth floor).

10.5.9 Conclusion on Building height: The proposed development is within the boundaries of the Goatstown LAP (now expired), which includes an objective to set a benchmark height of three-storeys with a fourth storey set back possible. The Development Plan does indicate the policies and objectives of the LAP should be applied; however the Building Height Strategy (BHS) allows for consideration of taller building subject to compliance with the criteria under Table 5.1 which are derived from the criteria under Section 3.2 of the Building Heights Guidelines. The building heights proposed would be in accordance with national policy and guidance to support compact consolidated growth within the footprint of existing urban areas and would satisfy the criteria set down under Section 3.2 of the Urban Development and Building Heights guidelines and the criteria under Table 15.1 (Appendix 5) of the Development Plan. Having regard to such the proposed development would be in compliance with the policies and objectives in relation to building height set down under the Dun Laoghaire Rathdown Development Plan 2022-2028.

10.6 Compliance with Goatstown LAP:

10.6.1 The application site is within the functional area of the Goatstown Local Area Plan, which is dated from 2012. This plan was extended for a period of 5 years in 2018 and has now expired. Notwithstanding the status of the Local Area Plan the current County Development Plan 2022-2028 contains a Council's Specific Local Objectives

(SLOs) for Map 1 (Clonskeagh/Dundrum) “to accord with the policies of the adopted Goatstown Local Area Plan”. The third-party observations raise concerns regarding compliance with the objectives of the Local Area Plan in particular those relating to Urban Design. The development cannot be considered to be a material contravention of the Goatstown Local Area Plan as such is no longer the functional plan for the area.

10.6.2 There are a wide range of objectives under the Local Area Plan with most relating the provision of high-quality development. UD3 requires the provision of Design Statement for development on Opportunity Sites identified on Map 3. The application is accompanied by an Architectural Response to ABP. As noted under the section on building height, UD6 provides a specific benchmark height for the application site and this aspect is dealt with in detail under the previous section under Building Height. I do not consider that the proposal conflicts with any of the specific policy objectives of the Goatstown Local Area Plan, which are mainly policy objectives to ensure high quality development apart from UD 6, which specifies height limits for the application. The issue of building height is dealt with in a previous section of the assessment. I would note that the overall assessment is evaluating the proposal in terms of wide range of factors including principle of development, overall density and scale, future residential amenity, adjoining residential, urban design and visual impact. I would consider that the proposal would not be at odds with policy objectives of the Goatstown LAP apart from UD6, which has been addressed earlier in this assessment.

10.6.3 CE report Comment: The CE report does not reach the conclusion that the proposal would be contrary the objectives Goatstown Local Area Plan.

10.6.4 Conclusion on Goatstown Local Area Plan: I am satisfied that the proposal would be acceptable in the context of current Development Plan 2022-2028 policy and objectives including the Council’s Specific Local Objectives (SLOs) for Map 1 (Clonskeagh/Dundrum) “to accord with the policies of the adopted Goatstown Local Area Plan.

10.7 Visual Impact

10.7.1 The application is accompanied by a Townscape and Visual Assessment for the proposal. This document includes assessment of visual impact from 14 viewpoints in the surrounding area including photomontages illustrating visual impact pre and post development for each viewpoint. The assessment outlines the baseline conditions for each viewpoint, the viewpoint sensitivity, predicted change and the significance for each viewpoint. sensitivity of each viewpoint, the predicted change and the significance. The assessment indicates the development will have a mostly moderate level significance from viewpoints in the immediate vicinity and minor level of significance from the wider area due to the built-up nature of the area. The assessment classifies impact as major but positive in terms of views along Goatstown Road and the replacement of an existing commercial structure with a development that will contribute to townscape. Third party observations consider the proposal to be out of character and scale with existing adjoining development and to have an adverse visual impact at this location and when viewed from the surrounding area. In particular concerns are expressed regarding the building line projection of the six-storey element of the proposal.

10.7.2 The site has significant frontage along Goatstown Road with the transition in scale from adjoining development being from part four and five-storeys in the from Trimbleston to the north and from two-storey development in the form of structures fronting Willowfield Drive to the south. The transition from development to the south is from two-storeys to four-storeys on the site increasing to five-storeys and then six moving north and where it adjoins northern boundary. The design of the proposal is such that the six-storey element steps forward of the building line of the existing properties in Trimbleston with the remainder of the road frontage facade having a varied level of set back from the public road. The alignment of Goatstown Road along the road frontage of the site is not straight and curves outwards from the site. I am satisfied the photomontages submitted give an accurate impression of the overall visual impact of the proposal.

10.7.3 In my view the transition in scale from adjoining developments along Goatstown Road is not significant or overly abrupt with a one-storey change in levels relative to road frontage development in Trimbleston and a two-storey change in levels between existing two-storey development with pitched roofs to a four-storey flat roof structure. The manner in which the six-storey element is stepped outwards does have a visual impact, however when viewed from the north such is not to a degree that would be excessive in scale or visually obtrusive having regard to the scale of the existing Trimbleston apartment block, to the north, which is four to five-storeys, taken in conjunction with the alignment of the road, which allows for partial views of the proposal. When viewed from the south along Goatstown Road the proposal is visible as a four-storey development, which is in keeping with the scale of a significant number of existing structures in the vicinity and the curved alignment of the road only allows for partial views. In relation to views from Goatstown road immediately opposite the site, I would note that the public road is a wide carriageway featuring footpaths, grass verges and cycle paths and can absorb the visual impact of a structure of this scale. I would consider that the scale of the structure is broken up in terms of height and there is sufficient variation in setback and material finishes to prevent the structure appearing too monolithic. Material finishes appear to be of reasonable quality in this case. In relation to views from dwellings on the opposite side of the road I would note that the level of separation taken in conjunction with existing boundary treatment and vegetation means that views from these dwellings would not be adverse. The proposal provides for stronger urban edge along Goatstown Road, which is visual improvement and enhanced public realm.

10.7.4 I would be of the view that the overall visual impact of the development in the wider area would not be significant or negative and that its location in the established built-up area will mean views are intermittent and partial with a significant level of intervening structures and vegetation.

10.7.5 CE Report Comment: The CE report raises no concerns regarding the overall visual impact of the development at this location, however, have recommended a number

of amendments that are not motivated by visual impact and relate to adjoining amenities/prevention of overlooking, increasing open space and parking.

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

10.8 Urban Design

10.8.1 The applicant has submitted an Urban Design Report that outlines the characteristics of the development in the context of the 12 criteria set out under the Urban Design Manual (Connections, Inclusivity, Variety, Efficiency, Distinctiveness, Layout, Public Realm, Adaptability, Privacy and Amenity, Parking and Detail Design). The third-party observations question the quality of the proposal in terms of urban design.

10.8.2 The Urban Design Manual has been superseded due to replacement of the Sustainable Residential Development in Urban Area Guidelines (2009) with the Compact Settlement Guidelines (2024). Notwithstanding such I am satisfied that the development provides an acceptable quality in terms of urban design, providing a development that would have positive visual impact in regard to Goatstown Road, enhanced public realm and linkages with Goatstown Road, provides for a development of sufficient internal quality in term of communal open space, orientation, daylight and sunlight provision.

10.8.3 CE report Comment: The CE report considers the proposal to be generally satisfactory in the context of urban design, however there are a number of suggested amendments including an increase in ground level open space by integrating bin storage and cycle parking to the main structure on site.

10.8.4 Conclusion: The proposed development is of sufficient quality in terms of urban design. The amendment suggested by the CE report would improve the ground level open space, however I would be of the view that what is proposed is of an acceptable standard.

10.9 Residential Amenities-Future Occupants

10.9.1 Quality of Units – Floor Area/Layout: A ‘Housing Quality Assessment’ has been submitted with the application and this provides a detailed breakdown of proposed accommodation layout which consists of each of 10 no. studio units and 40 no. bedroom clusters. For assessment purposes the units are assessed against the standards set out under Sustainable Urban Design Standards for New Apartments (Department of the Environment, Heritage and Local Government, 2023), the Guidelines on Residential Development for 3rd Level Students (Section 50 Finance Act 1999) and the Development Standards under the Dublin City Council Development Plan 2022-2028, which is the only plan with specific development control standards for student accommodation. In terms of dimensions the standards for a single study bedroom with ensuite shower, toilet and basin is 12sqm with the provision of a rate of shared kitchen/dining/living at 4sqm per bedspace (Residential Development for 3rd Level Students). In the case of the bedroom clusters all bedrooms (one bedspace) provide at for least 12sqm. The kitchen/dining/living spaces serving each cluster provide more than 4sqm per bedspace. The 10 no. studio units are 27sqm each. The guidelines do not provide a standard for studios. Under the Apartment guidelines SPPR 3 specifies a minimum of 37sqm for a studio apartment, however there is no guidance in the case of student accommodation and the guidelines make it clear they do not apply to purpose-built student accommodation. In this case the studio units provide for the minimum 12sqm bedroom space in addition to 9.1sqm of amenity space (kitchen area). The Dublin City Development Plan recommends a standard of 25sqm minimum for a studio unit in terms of student accommodation with the proposal providing for 27sqm in the case of all studio units. I see no reason to preclude development on the dimensions of floor plan layouts proposed with compliance with the most relevant standards for student accommodation.

10.9.2 There are a number of communal amenity spaces provided at ground floor level including refuse store, kitchen/tearoom, 2 no. multi-function spaces, laundry, management office and bicycle storage at ground floor, a communal open space as well as additional communal open spaces at fourth and fifth floor levels. The level of communal open space provided is 1,516sqm with a ground floor communal open space of 1,050sqm at ground level, 2 no. roof terraces at fourth floor level (81 and 155sqm) and a roof terrace at fifth floor level (230sqm). There are no relevant standards specifying communal open space standards within student developments. The level of communal open space is 6.8sqm per bedspace, which in comparison to the Apartment guidelines standard (example 7sqm per two-bedroom 4-person apartment) is a reasonable level of communal open space. I would consider the design and layout of such is of acceptable quality featuring a landscaped space at ground level and 3 no. landscaped roof terrace areas. Given the nature of the proposed development being purpose-built student accommodation, the infill nature of the site and size the provision of public open space is not a realistic proposition. This issue could be addressed by way of a development Contribution in lieu of public open space if considered necessary. There is provision under the Council's development Contribution scheme for discretion to apply such a contribution. I would highlight that the CE Report does not recommend application of such in this case, which I consider to be acceptable given the nature of the proposal (commercial managed student accommodation).

10.9.3 The overall design, specification of the scheme accords with all relevant standards set out under the Guidelines on Residential Development for 3rd Level Students (Section 50 Finance Act 1999), which is the only guidelines for purpose-built student accommodation. The Development Plan does not contain any Development Control standards apart from parking standards for student accommodation.

10.9.4 CE Report Comment Section: The CE report is generally accepting of the overall quality and layout of the development. It does raise some concerns regarding lack of direct access to some communal facilities from bedroom clusters and question

whether a bedroom in the 8-bedroom cluster could be added to an adjoining 5-bedroom cluster to provide. The report does recommend increasing the communal open space at ground level by omitting the single-storey bin storage structure and cycle parking integrating such into the main structure at ground level in lieu of a studio unit and 2 no. clusters as well as removing an additional ground level cluster to increase parking.

10.9.5 Conclusion Quality of Units-Amenity Space: The level design and layout of accommodation provides for an acceptable standard of accommodation in terms of bedroom sizes, storage space, communal facilities and communal open space. The proposal accords with standards set out under the most relevant guidance for student accommodation, the Guidelines on Residential Development for 3rd Level Students (Section 50 Finance Act 1999). I would have no objection to the Planning Authority's suggestion that the 8-bedroom clusters should be reduced in bedspace number by adding a bedroom to a smaller cluster at first, second and third floor level with a condition an appropriate manner to achieve such. I would however note that clusters of 8 bedrooms are permitted under the relevant guidance (Section 50 Finance Act) and the alteration may provide difficult to achieve without a major redesign.

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

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

Development Plan policy indicates that "Residential Developments shall be guided by the principles of 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guideline to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' and/or any updated guidance.

The submitted assessment undertook a number of tests and in relation to daylight and sunlight provision within the proposed development. One of the submissions raises concerns regarding the level of north facing bedrooms in the scheme.

10.9.7 Daylight Analysis: The Daylight and Sunlight Assessment Report assesses the proposed units in terms of both Average Daylight factor (ADF) based on BS 8206-2:2008 and Spatial Daylight Autonomy based on EN 17037:2018. In relation to ADF 100% of bedrooms (bedroom clusters) tested meet the target value of 1% with 99.53% meeting a target value of 1.5% (living room target). In the case of the shared kitchen and living spaces serving the clusters 3 out of the 40 units are marginally below the target value of 2% for shared kitchen and living (all 1.92%). In the case of the studio units 92% meet the 2% target value for shared uses and 100% of these spaces are over the 1.5% value (only Studio S2 below 2% target value at 1.73%).

10.9.8 In the case of Spatial Daylight Autonomy (SDA) the scheme was assessed under the European Standards (EN 17037) which is spaces achieving 300 lux over 50% of the area and 100 lux over 95% of the area for at least 50% of daylight hours. In this case 73.9% of the bedrooms meet the target values with 66% of the shared kitchen/living spaces and studio spaces meet the target value. The scheme was also assessed under the British Standard (BS EN 17037 British National Annex). In this case 97.2% of the bedroom meet the target value with 84% of the shared kitchen/living spaces and studio spaces meet the target value. In the case of north facing bedrooms, (47 cited by observer) this is 21% of the entire development, which I would consider to be a low percentage and taken in comparison with the apartment guidelines the lowest benchmark figure for apartment scheme is 33%.

10.9.9 Site Sunlight and Shading: An assessment of sunlight within the proposed outdoor amenity areas was carried out. The assessed area includes 6 amenity areas including 3 no. spaces at ground level (main courtyard and smaller spaces to south

and north of the site) and the 3 no. roof terraces. The results indicate that indicate that all spaces assessed meet the BRE requirement that a minimum of 50% the amenity space shall receive two or more hours of sunlight on the 21st of March.

10.9.10 CE Report Comment: The CE report raise no objection to the proposed development and acknowledges the results of the submitted Daylight, Sunlight and Overshadowing Analysis.

10.9.11 Conclusion on Daylight and Sunlight: The proposed development provides for sufficient levels of daylight and sunlight to the proposed student accommodation residential units and associated communal open space areas and will result in an acceptable level of residential amenity for future occupants of this development.

10.9.12 Separation Distances: Development Plan policy (Section 12.6.7) refers to a benchmark clearance distance of circa 22m between opposing windows in the case of apartments up to three storeys in height. Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy in line with the provisions of the Urban Design Manual. This standard is based on the Urban Design Manual (2009) standards. The Sustainable Compact Settlement guidelines include SPPR 1, which identifies separation distance of at 16m between opposing windows. In the case of the proposed development the block is a U-shaped block with separation distance between opposing elevations well in excess of 16m and above 22m in all cases. In most cases the level of separation is satisfactory with windows offset and angled facades in some cases.

10.9.13 CE Report Comment: No issues are raised regarding internal separation distances within the proposed development.

10.9.14 Conclusion on Separation Distances: I am satisfied that the design has adequate regard to the issue of internal separation distances between parts of the blocks

proposed. I would also refer to the previous section regarding daylight and sunlight, and the fact that the applicant has demonstrated that the daylight and sunlight levels to proposed units, and communal open space is of a satisfactory standard. I would also refer to SPPR1 of the Sustainable Residential Development and Compact Settlement guidelines that recommend separation distance of 16m between opposing windows serving habitable rooms, which is exceeded in the case of the directly opposing elevations.

10.10 Adjoining Amenity

10.10.1 In terms of existing properties adjoining the site is located within a predominantly residential area. To the north and east of the site is the housing development of Trimbleston, which features a mix of dwellings and apartments. To the north/northeast of the site is an L-shaped apartment block that is part three, four and five storeys in height. To the east of the site are duplex units and terrace houses with a mixture of three and two-storey structures. To the south/southeast along Willowfield Park are a mix of two-storey terraced properties with retail/commercial at ground floor, a mixture of commercial and some residential above and two-storey semi-detached dwellings. On the opposite side of the Goatstown Road to the west are two-storey detached dwellings. The third-party observations raise numerous concerns regarding the impact of the development on existing amenities with issue of excessive scale raised in the context of impact on daylight, sunlight and overshadowing, overlooking/loss of privacy and noise impact/disturbance.

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

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE (2011) (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.

- EN 17037:2018

The submitted assessment undertook a number of tests and in relation to daylight and sunlight provision in relation to existing properties in the vicinity including the following properties.

80-96 Goatstown Road to the west.

Trimbleston Apartments to the north and northeast.

161-166 Trimbleston to the east.

2-8 Willowfield Park to the south.

10-16 Willowfield Park to the southeast.

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

10.10.4 The applicant has assessed impact on the windows on elevations of properties listed above that face the application site. The results show that the majority of windows on these properties retain the 27% target value post development. There are instances where the VSC value pre-development is below 27%, in these cases the value is reduced less than 0.80 of their former value (97.15% of form value is the biggest reduction). The result indicate there are several instances where VSC values have improved post development from the current scenario. One of the third-party submissions raises concerns regarding the accuracy of the applicants' report (has submitted a report from the author of the BRE Guidelines, BR 209 critiquing the submitted Daylight, Sunlight and Overshadowing Analysis) with concern raised

regarding the calculation of VSC values with reference to the number of units that have an improved VSC despite the significant difference in scale of the proposed development as well as noting comparison with a previous assessment of a development proposed on site (an application quashed by the High Court).

10.10.5 The improvement of VSC results at existing properties is possible where an existing structure was in closer proximity than the proposed structure on site. In this case the existing structure on site is a single-storey flat roof commercial warehouse/showroom structure located to the north of the site and is tight up against the northern and eastern boundaries. The new structure proposed on site are set back from the boundaries of the site including the northern and eastern boundary but are significantly taller in height and occupy an increased footprint on site. The results indicate that a number of windows on existing properties including Trimbleston Apartments to north/northeast (14 windows), the duplex units and terraced units at no. 161-166 Trimbleston (8 windows), at no. s 80-96 Goatstown Road (28 windows) and at no. 2-16 Willowfield Park (17 windows) will improve their VSC values post development. I would have some concerns regarding the VSC results for existing windows with a high number of instances where VSC values have improved post development, which does not appear to make sense based on the scale of development in comparison with existing development on site and the proximity of such relative to existing development on adjoining sites. In particular the windows serving Trimbleston Apartments to the northeast and no. s 161-166 Trimbleston to the east. This would raise concerns for me whether the results of the applicants 'Daylight, Sunlight and Overshadowing Analysis can be relied on the assess overall impact on adjoining properties. In absence of a reliable assessment, I cannot reach a reasoned conclusion regarding such impact in terms of daylight to existing windows serving development on adjoining sites. If the Board were minded to grant permission, they may consider the holding of a limited agenda oral hearing to clarify the nature of these results.

10.10.5 Sunlight and Shading: The submitted report includes an assessment of sunlight impact on amenity spaces associated with the closest residential development. In this case the assessment of adjoining amenity spaces includes the front garden areas of no. 80-96 Goatstown Road, the communal area serving Trimbleston Apartments to the north/northwest, the amenity spaces serving 166-170 Trimbleston to the east and the rear amenity spaces serving no. 2-8 Willowfield Park and 10-16 Willowfield Park to the south and southeast. The BRE requirement is that a minimum of 50% of the amenity space shall receive two or more hours of sunlight on the 21st of March. The results of the assessment are that all amenity spaces assessed associated with the existing development retain more than the target value under BRE guidelines. The report submitted does not contain an analysis of sunlight impact on existing windows in the form of Annual Probable Sunlight Hours (APSH) in the case of a new development being within 90 degrees of due south of a main window wall or an existing building. In this case only main window wall due north of the development is the south facing window serving the terrace roof of Apartment no. 20 at fifth floor level and such is located at an elevated location with only one floor of the development higher than such. I am satisfied that based on the elevated location of this room and that such is unlikely to be impacted in terms of sunlight levels to an adverse degree.

10.10.6 A shadow study is also included showing the impact of the proposal for various times of the year (21st of March, June and December). One of the observations is critical of assessment of overshadowing indicating that the proposal will cause significant overshadowing of adjoining properties and the lack of an overshadowing diagram for September period. I am satisfied that the information submitted demonstrate that the proposal would not result in significant overshadowing of adjoining properties comparison to the existing scenario. I would acknowledge that the shadow diagrams do not include an assessment of the September period as pointed out by one of the observations. The properties in Willowfield Park are to the south and not impacted whereas there is no impact the properties to the west. In relation to the properties to the east and northeast, the information submitted demonstrates that the proposal would not have a significant adverse impact in terms of overshadowing of the

properties in Trimbleston. I would consider this to be on the basis of the degree of separation from proposed structures and reduced scale adjoining the eastern boundary with the nearest elevation to the six-storey element being a blank gable wall (the fourth-floor terrace room and roof space is sufficiently elevated to experience no significant impact). The communal open space within Trimbleston is demonstrated to retain the target value level of sunlight as outlined above.

10.10.7 CE report Comment: the CE report does not raise any concern regarding impact on daylight and sunlight or overshadowing of adjoining properties.

10.10.8 Conclusion on Daylight, Sunlight and Overshadowing: I have some concerns that assessment and results for daylight impact included in the Daylight, Sunlight and Overshadowing Analysis are not an accurate or a reliable metric of the actual impact of the development on existing properties adjoining the site from the point of view of daylight. In this regard without reliable data on this aspect of the proposal, I cannot reach a conclusion that the proposal would not adversely impact daylight levels within existing properties in the vicinity of the site.

10.10.9 Physical Impact/Overlooking: The physical relationship between the proposed development is raised as a concern with issues concerning overall physical scale and impact of overlooking. The six-storey portion of the development is located to the north of the site and adjoins the existing apartment block within Trimbleston, which itself is part four/five storeys. The proposed development has windows on the northern elevation facing what is a blank gable wall apart from the recessed fifth floor level, which does have a large window on the southern elevation. The units in Trimbleston have balconies on the southwestern corner of the block. This portion of the proposal does extend forward to the building line of the existing apartments. The level of separation is between 11.865m and 15.436m from the existing apartment block to the north. The design and layout of the first to third floor is such that there

are no instances of direct overlooking of existing windows. In the case of the existing balconies the bedrooms are sufficiently offset and also have partially louvered sections to avoid direct overlooking of the balcony areas. At fourth and fifth floor levels there are bedroom windows facing the large south facing window on the terrace room structure on the roof level serving apartment no. 20 Trimbleston. These windows would also have views of the large roof terrace area associated with no. 20 at fourth floor level. I would be of the view that such would have an unacceptable impact in terms of overlooking and an overbearing impact due to proximity and the level of windows proposed. In this regard I would consider that the proposal would be injurious to the residential amenities of this property. There is a possibility that clusters could be omitted such as P38 at fifth floor level (suggested under the CE report) and the use of angled windows on the lower fourth floor. I would caution over extensive amendment by way of condition and potential difficulties in terms of design and layout. The proposal as presented is not acceptable in terms of adjoining residential amenities.

10.10.10 The southern portion of the development ranges in height from single-storey at its eastern gable up to four-storeys. This portion of the block is located north of the properties along Willowfield Park that back onto the site. Separation distances between the proposed block and no.s 2-8 Willowfield Park increase moving east. The southern façade does contain windows however a number of mechanisms are applied to prevent overlooking with windows offset and angled. There are windows serving living spaces at first to third floor level that are not angled however these face the rear of a commercial property (no. 8 Willowfield Park), which has a significant level of existing structures covering the area to the rear of the existing property. I am satisfied that having regard to the nature of the existing uses of no. 2-8 Willowfield Park and the mechanisms applied to prevent direct overlooking, that the proposal would not impact on privacy in these properties. The only residential unit is at first floor level appears to be no. 4 and possibly part of the first floor of no. 8. and there will be no direct overlooking of existing windows to the rear of this property.

10.10.11 The proposal includes a number of mechanisms to protect adjoining residential amenities. The main window elevations of the development are located along the eastern and western elevation of the long side of the U-shaped block with the level of separation between such and adjoining properties sufficient. The western elevation is separated from the dwellings to the east by Goatstown Road and existing intervening boundary treatment and vegetation along the road frontage of the existing houses as well as the fact that the existing dwellings have their private amenity space to rear of these properties obscured from view from the eastern elevation. In relation to the existing development to the east in Trimbleston, which include duplex and terraced housing units. I would be of the view that the design has sufficient regard to adjoining amenities in terms overlooking. The level of separation between windows directly opposing on the eastern façade of these properties is in excess of 22m (in excess of current County Development Plan standards and Sustainable Compact Settlement Guidelines). I would acknowledge that there are amenity spaces serving duplex and terraces units adjoining the eastern boundary at both ground level and above, however a combination of boundary treatment and separation distance is such that the relationship between the proposed and existing development is acceptable in my view. I would also note that in the case of the southern portion of the block the eastern gable features no windows above ground floor level and the four-storey portion is set back. In the case of the northern portion the windows on the eastern gable above ground floor level overlook an area of communal open space within Trimbleston, which I consider to be an acceptable scenario in such an urban location.

10.10.12 Concerns are also expressed regarding the potential of the external communal roof spaces causing overlooking and disturbance due to noise generating activities. The proposal has three external roof terraces. The main space is located on the roof of the long side of the u-shaped block at fifth floor level with two further smaller spaces located at fourth floor level and located on the southern portion of the development. The main space at fifth floor level is located a significant distance away from adjoining properties and has boundary treatment consisting of a 1.5m high railing with raised metal planters located along the northern and southern

edges that provide a buffer. The 2 no. spaces at fourth floor level are set back from the southern elevations in addition to providing for 1.5m high railings and raised planters to provide a buffer between the external edge of the spaces. I am satisfied that the design and layout of these spaces will curtail overlooking from these spaces with a mixture of boundary treatment and landscaping that will make sure these spaces are more inward focussed than allowing outward views for the users of such spaces. There are two roof spaces at fifth floor level on the front elevation (west). Based on the plans these are green roofspaces and will not be accessible with no access provided in the floor plans.

10.10.13 The location of the proposed bin storage structure adjoining the eastern boundary was raised as an issue of concern in the observation. The structure in question is modest in scale being a single-storey flat roofed structure and provides for a fully enclosed bin storage. The structure is 5.4m high and features a parapet wall around its roof. I would question the need for a parapet wall as high as proposed around its roof level and would consider such could be reduced in scale by way of condition. Notwithstanding such, I am satisfied that the proposed structure is of a scale that would be acceptable in terms of adjoining amenities and would not be a physically overbearing structure relative to existing properties adjoining the site.

10.10.14 CE report Comment: It is considered that overlooking occurs due to separation and orientation relative to adjoining apartment in Trimbleston and can be addressed by way of condition (angled louvers/angled windows) as well as omission of cluster P38 at fifth floor level. Concerns raised regarding overlooking from living windows to the garden of 10 Willowfield Park. Similar measures by way of condition would deal with such. It is considered there is an overreliance on blinkered/angled windows on the southern elevation. The omission by condition of the roof terrace on the block to the rear (south-east) would overcome potential overlooking.

10.10.15 Conclusion on physical Impact/overlooking I would consider that in the main the proposal provides for a satisfactory level of separation from adjoining properties or applies mechanisms to minimise overlooking in the case of windows and the

external roof terraces. There are some instances where there is a degree of direct overlooking and such relates to the northern elevation and levels four and five, which overlook the roof terrace structure and roof terrace area serving apartment no. 20 within Trimbleston. A number of amendments are recommended by the CE report, and I would consider that some level of amendment may deal with these issues including omission of cluster P38 as recommend in the CE report in the event of a grant of permission. I would however caution against too much amendment by way of condition which may prove difficult to implement with having wider implications for design and layout.

10.10.16: Noise, Disturbance and Anti-Social Behaviour: The issue of noise, disturbance and anti-social behaviour is raised with concerns and in particular the impact of activities on the external roof terrace areas. I have assessed the proposal in term of physical impact and overlooking (previous section) and have reached the conclusion that the design and layout of the roof terraces would be satisfactory in the context of adjoining amenity (overlooking).

10.10.17 The proposal is a commercially operated student accommodation and is a managed/staffed facility. The applicant has a submitted a Management Plan that outlines details of staffing and security provided as well as making the clear that tenancy is subject to a license agreement with terms and conditions including provisions to prevent anti-social behaviour. The management plan includes provision for a complaint's procedure for both future residents and non-residents (residents of adjoining properties).

10.10.18 The application is accompanied by a Construction and Environmental Management Plan (CEMP). The document (CEMP) submitted include details of mitigation measures proposed to minimise construction impact and includes measures in relation dust, noise and vibration. In terms of the potential for future issues regarding ongoing operation and the potential for future complaints from residents of the development, the Noise Impact Assessment submitted also deals with the issue of inward noise indicating that the construction specifications of the

structure and glazing will ensure inward noise levels will be minimised for future residents

10.10.19 CE Report Comment: No objection raised by the Planning Authority with acknowledgement that a Management Plan has been submitted and the development is a managed facility

10.10.20 Conclusion on Noise, Disturbance and Anti-Social Behaviour: I am satisfied that based on the fact that the proposal is commercially managed facility and based on the details of the Management Plan submitted and the fact that there will be terms and conditions regarding tenancy of the facility that sufficient mechanisms will be in place to ensure that the operation of the facility would be unlikely to cause any significant noise, disturbance or anti-social behaviour that would impact on the residential amenities of adjoining properties. I am satisfied that subject to construction in accordance with a Construction and Environmental Management Plan that the impact of construction can be adequately mitigated in this case. I would recommend that a final Construction and Environmental Management Plan including management of construction traffic and a complaints procedure be submitted and agreed in writing prior to the commencement of development.

10.11 Traffic and Transportation:

10.11.1 The application site is to be accessed by two vehicular entrances (separate) entrance and egress. The existing vehicles sales business has three separate vehicular entrances currently. Goatstown Road features an approximately 9m wide carriageway with 1.5m wide cycle paths on either side of the public road. In addition, there are 1.9m wide footpaths with grass verges. Goatstown Road is serviced by the no. 11 Bus (Wadelai Park towards Sandyford Business Park) with a frequency of approximately every half hour. A number of issues are raised by the third-party submission including overall traffic impact in terms of congestion, the erroneous identification by the applicant of the route as a future QBC and the main issue being the lack of sufficient

car parking on site with concern in relation to overspill of parking into adjoining residential areas as well the parking and entrance layout on site in the context of traffic safety.

10.11.2 Traffic Impact: The proposal entails vehicular access off Goatstown Road. The site is in active use and features three separate vehicular access points with the proposal providing for two (access and egress). The proposal includes drawings demonstrating that the recommended sightlines under the Design Manual for Urban Streets and Roads (49m in each direction) is available at the proposed access and egress. The applicants are of the view that the proposal will not result in a significant traffic impact based on a number of factors. These include the fact the proposal is for student accommodation, the locational context of the site in terms of accessibility to the UCD campus for pedestrian and cyclists, and proximity to public transport in the form of Bus and Luas infrastructure. The application is accompanied by a Bus/Luas capacity report. This identifies that the site is on the no. 11 bus route and within 600m and 750m respectively to two other bus routes (no. 17 and no. 175 Go-Ahead Routes), which provide a bus link to the Dundrum Luas stop, which is itself 1.4km or 17minute walk from the site. The report identifies that under the Bus Connects scheme the site will be in close proximity to an Orbital Route (S6, Mount Anville and Tanney Road) with a 15-minute frequency and on a Radial Route (86 Goatstown Road) with a 30-minute frequency. The report estimates additional demand generated by the proposal will equate to 7 seats during peak morning hours for bus and 8 seats in the case of the Luas. This is estimated to be 1% of current bus capacity serving the area and 0.08% of current Luas Green line capacity, which the applicant considers to have a negligible impact.

10.11.3 I am of the view that primary nature of the use, which is student accommodation taken in conjunction with the locational context of the site, which is in a location that is accessible in terms pedestrian and cycling movements as well as well serviced by public transport would minimise dependency on vehicular traffic. The existing site is

an active commercial site with existing traffic movements. I would consider that the nature of proposal will not generate a significant additional level of traffic that would cause an adverse impact on the local road network. The proposal entails the provision of two vehicular access point facilitating access and egress individually. Both access points achieve the required visibility of 49m under DMURS. I would consider that the provision of the separate access and egress is acceptable and facilitates traffic movements into and out of the site and better use of set down parking than the provision of a single access point. I would consider that a condition requiring the access points to be laid out in accordance with DMURs would be sufficient in this case with appropriate junction radii and maintaining pedestrian priority across the access points.

10.11.4 CE Report Comment: The CE report raises no concerns regarding overall traffic impact but does refer to the Transportation Section report that identified the entrance layout is non-compliant with DMURS.

10.11.5 Conclusion of Traffic Impact: I am satisfied based on the nature of use and its location relative to the UCD main campus, local services and the availability of accessible public transport infrastructure that the level of traffic likely to be generated would not be significant. I am satisfied that the entrance layout would be acceptable in the context of traffic safety providing for sufficient sightlines. I am satisfied that the entrance layout would be satisfactory subject to a condition requiring compliance with DMURs including overall layout, junction radii and maintaining pedestrian priority.

10.11.6 Car Parking: The proposal provides for 6 no. car parking spaces including 2 no. accessible spaces located to the front of the development. The third-party observations raise concerns regarding the number of car parking spaces, which they consider insufficient and the potential for overspill of car parking onto the surrounding residential areas and Goatstown Road. The site is in parking Zone 3 and current

Development Plan policy under Table 12.5 identifies a maximum parking standard for Student Hostel/Accommodation or 1 per 10 bedspaces. Based on such this is a maximum standard of 22 spaces. This is maximum standard with a presumption against the provision of in excess of this amount. The proposal provides just over 25% of these maximum standards with the Development Plan allowing for consideration of locational context in terms of assessing parking levels. I am satisfied that the location of the site meets the criteria under Section 12.4.5.2 of the Development Plan. I would also refer to SPPR3 of the Sustainable Residential Development and Compact Settlement guidelines where in urban neighbourhoods “car-parking provision should be minimised, substantially reduced or wholly eliminated”.

10.11.7 I consider that in this instance given the location of the proposal and the nature of use that a reduced level of parking is acceptable, and the provision 6 no. space would be acceptable. In relation of overspill of parking I would note that Goatstown Road would not facilitate on-street parking or even illegal parking despite third part observers claims, and the Trimbleston Development has signage that indicates parking management is in operation with towing and clamping in force. I am satisfied that having regard the nature of use that the likelihood of parking overspilling into adjoining areas is remote. I would consider that the use of the parking on site, which is set down parking can be managed including at the start and end of term (staggered use for occupants). In terms of staff parking, the parking on site is set down parking in the case of occupants and is highly unlikely to entail the assignment of in term parking for individual occupants. On this basis I would consider that the level of parking provided is acceptable at this location and reiterate the fact the site is highly accessible without being dependent on vehicular traffic (cars).

10.11.8 CE Report Comment: The Transportation Section recommend existing public footpath and verge arrangement to be retained. 16 car parking spaces are recommended to ensure sufficient parking with it considered that the parking level proposed is insufficient. The CE report has recommended that some bedspaces be

omitted, which would reduce the parking requirement as well facilitating increased parking a ground level.

10.11.9 Conclusion on Car Parking: The proposal provides for 6 no. parking spaces. Development Plan policy identifies a maximum parking requirement of 20 spaces (table 12.5). I would consider that based on the nature of the proposal student accommodation and its locational context in terms of accessibility for pedestrian and cyclists to the UCD campus, Dundrum Town Centre and existing public transport infrastructure, there is justification for less than the maximum standard of parking in this case and that the provision of 6 no. spaces is sufficient. I would note that if the Board consider that additional parking is required the CE Report recommends omission of unit P2 at ground floor level to provide additional car parking. If the Board is minded to grant permission I do recommend some omission of units (fifth floor for residential amenity and ground floor to provide internal cycle parking) in the event of grant of permission, which would reduce the maximum parking standard under Development Plan policy.

10.11.10 Bicycle Parking/Cycling Infrastructure: The proposal entails the provision of 210 no. bicycle parking spaces, this consists of 162 long stay spaces located in the courtyard area adjacent the eastern boundary and 48 short stay spaces (22 located to the front adjoining the main entrance and 26 within the courtyard area. Development Plan requirements refer to standards under the Council's publication, 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (Table 4.1), which identifies a demand of 164 cycle spaces (44 short stay and 110 long stay). The provision of cycle parking on site is in excess of Development plan standards and sufficient to serve the development.

10.11.11 The third-party observations raise concern regarding access to cycling infrastructure. In regard to cycling infrastructure in the area, Goatstown Road has existing dedicated cycle paths along each side of the public road. The application site is in an established built-up area that is highly accessible in terms of its location to Dundrum Town centre and public transport infrastructure. I would also consider

that the proposed development would be unlikely to prejudice future provision of cycling infrastructure in the public realm at this location.

10.11.12 CE Report Comment: The CE Report raises no concern about the amount of cycling parking provided but does consider it does not comply with DLRCC cycle standards with a requirement that at least 50% of long-term cycle parking should be Sheffield type stands. The CE report also recommend that the long stay cycle parking along with bin storage is incorporated into the main building by omitting a ground floor cluster. This aspect of the proposal could be dealt with by way of condition.

10.11.13 Conclusion: The proposed development provides sufficient cycle parking spaces although a condition should be applied requiring at least 50% of such spaces to be Sheffield stands and consideration should be given to provision of covered cycle parking. I would consider that this could be dealt with by way of condition and is not an issue that merits refusal in this case.

10.12 Drainage Infrastructure/Flooding:

10.12.1 The proposal entails connection to existing water supply, foul drainage network and surface water drainage network with details provided in the Civil Engineering Infrastructure Report & Flood Risk Assessment for planning submitted with the application. The proposal entails connection to existing drainage infrastructure along Goatstown Road. Surface water runoff management entails use of underground attenuation and a flow control device (hydrobrake). Sustainable Urban Drainage measures (SuDs) are to be implemented.

10.12.2 Uisce Eireann have indicated that connection to watermains and wastewater infrastructure are feasible subject to some upgrades including replacing 300m of watermain and 270 of the public sewer in Goatstown Road and have issued a confirmation of feasibility and Statement of Design Acceptance that is included with application documentation.

10.12.3 The application is accompanied by a Flood Risk Assessment (FRA). Stage 1 of the FRA is Flood Risk Identification. The assessment identifies that the site is not in any area subject to flood risk. Historical flood data (Council Flood Zone Maps) indicate the nearest significant flood risk is at the Goatstown Road/Larchfield Road junction, approximately 70m North and downhill from the site. The flood map notes a foul and surface water pluvial area of flood risk concern at this location which the applicant claims is likely due to possible surcharging of the combined sewer in this area. The application indicates that the location is approximately 1m lower than the proposed development and as such poses no risk to the site and the attenuation measures proposed for the site will reduce both the quantity and rate of flow of surface water into this sewer and therefore reduce the flood risk at this location post development. The site is considered an area of low risk of coastal, fluvial or pluvial flooding. The application site is located within Flood Zone C as classified under the County Development Plan Flood Maps (Flood Map 1).

10.12.4 Flooding from tidal, fluvial and groundwater sources are ruled out with the pluvial/surface water due to overflow/blockage possible. The development is classified as highly vulnerable development under The Planning System and Flood Risk Management Guidelines and as the site is within Flood Zone C the development is deemed appropriate.

10.12.5 A justification test is carried out on the basis that there is a medium residual risk of pluvial/surface water flooding. It has been determined that the stormwater network at this location is not at risk of flooding for 1:30 and 1:100-year events and the top water level in the attenuation tank will be >0.5m below the lowest finished floor level. The site network is determined to be not at risk of flooding and an examination of overland flow routes show that in the event of floodwaters exiting the site the properties adjacent the site are higher than the road carriageway and would not be at risk of flooding.

10.12.6 I am satisfied that the Flood Risk Assessment has been carried out in accordance with Flood Risk Management Guidelines and that the design and layout of the proposal is satisfactory in the context of potential flood risk on site and that a justification test has been carried out.

10.12.7 CE report Comment: The CE report refers to the Water Services Department who have raised no objection to the proposal subject to conditions.

10.12.8 Conclusion: In relation to connection to existing drainage services I would refer to Uisce Eireann's confirmation of feasibility and Statement of Design Acceptance. In relation to flood risk the site is located within Flood Zone C and the applicant has carried out a justification test in accordance with the Flood Risk Management Guidelines that demonstrates that the site and proposed development is not at risk of flooding or causing flooding at other locations downstream of the site.

10.13 Ecological Impact:

10.13.1 The application was accompanied by an Ecological Impact Assessment. In terms of habitats the site is mainly Building and Artificial Surfaces (BL3) consisting of showroom/servicing structures, hardstanding and car parking areas. Other habitats identified include Ornamental/Non-native Shrub (WS3) with the only vegetation on site being a raised planter with ornamental shrubs and Stonewalls (BL1) with the site bounded by stone walls to the north and south and a block wall to the east. The various surveys carried out identified that the site has no trees or buildings on site suitable for roosting bats. The Bat Survey report indicates that the site is currently impacted by light overspill from the Goatstown Road and existing structures on site (site is still in active use) and is sub-optimal for roosting. The site is deemed to be low level value to bats. In relation to bird species the on-site habitat is considered extremely limited value

for bird species. No invasive species were recorded on site. In relation to otters and amphibians there are no suitable habitats on site (no watercourses or surface water bodies on site). In relation to trees and vegetation there is limited vegetation on site with the only planting being ornamental shrubs in a planter on site.

10.13.2 A number of mitigation measures are proposed including construction management measures to prevent importation of invasive species, lighting design to prevent light overspill, wildlife sensitive lighting specification, landscaping scheme including additional planting and limitation of soil disturbance during construction. I am satisfied that the application site is an active urban site that is not of significant or high-level ecological value.

10.13.3 The Department of Housing, Local Government and Heritage submission refers to the Bat Survey Report submitted, and the bat activity surveys that recorded four species of bat foraging over the site (common and soprano pipistrelles, leislers bat and a species of genus Myotis). The submission recommended to minimise impact on bats that the lighting scheme be designed to be bat friendly and avoid illumination of the trees on the site southern boundary, a condition is recommended in this regard. I would reiterate that the proposal entails the loss of no existing trees with limited vegetation on the application site. Lighting proposal include the provision bat friendly lighting, and I would consider it appropriate attach a condition to ensure such is implemented on site.

10.13.4 CE report Comment: The CE report acknowledges that fact that an Ecological Impact Assessment was submitted and raise no concerns regarding such.

10.13.5 Conclusion on ecological impact: I am satisfied that it has been demonstrated that the site is not of high ecological value and is limited in terms of habitat for flora and

fauna with no existing trees on site. I am satisfied that the range of mitigation measures proposed are sufficient to ensure no significant impact on any species or habitats of conservation value.

10.14 Summer Accommodation:

10.14.1 The observations raise concerns about use of the development for tourist accommodation in the summer. The applicant has indicated that they wish to have the flexibility of use the accommodation for tourist accommodation outside the academic year and note. It is common for such developments to be in use for tourist accommodation out of term and I see no reason to place a restriction on this use in this case. I would consider that the issue of traffic and parking can be managed in this regard. I would recommend application of a condition specifying that the proposed development shall be used in accordance with the definition of student accommodation under Section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and shall not be used for any other purpose without a prior grant of planning permission for change of use". This definition "includes residential accommodation that is used as tourist or visitor accommodation but only if it is so used outside of academic term times".

10.4.2 CE Report Comment: No objection is raised to use of the development for tourist accommodation outside of the academic term.

10.4.3 Conclusion on Summer Accommodation: I see no reason to impose a restriction on use of the development outside of the academic term subject to a condition requiring use as student accommodation as per the definition under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.15 Other Issues:

10.15.1 Planning History: The third-party observations raise concerns that the proposal raises similar issues to previous proposals sought on site and refused under appeal (238413 and 227350) and a decision to grant an SHD (308353) for student accommodation quashed by the High Court. In this regard the current proposal is being assessed on its merits and based on the current Dun Laoghaire Rathdown County development plan 2022-2026 and current section 28 guidelines. The assessment section of this report outlines my evaluation of the proposal on its merits and on the basis of the proper planning and sustainable development of the area.

10.15.2 Part V: It is notable that housing department have recommended that a Part V condition be applied on the basis that off-campus student accommodation is subject to Part V obligations. The CE report recommendation is for a grant of permission, and it is notable that no Part V condition is recommended. In the context of current Development Plan policy (2022-2028). Section 4.3.2 (Housing Choice) refers to specific exemptions to Part V where no or a reduced social element may be acceptable and include “purposes built and professionally managed student accommodation”. Development Plan policy allows for no or a reduced social element in the case of these type of developments. Having regard to the CE report recommendation and the fact no Part V condition is recommended I see no reason to recommend the application of one in the event of grant of permission.

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

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

10.16 Material Contravention:

10.16.1 The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Dun Laoghaire Rathdown County Development Plan 2016 (in force at time of lodgement) and the Goatstown Local Area Plan 2012 in relation to a number of issues. The 2016 County Development Plan has since been superseded by the Dun Laoghaire Rathdown County Development Plan 2022-2028 and the Goatstown Local Area Plan has expired. The statement is summarised above (Section 6.8).

10.16.2 Building Height: Building height of up to 6-storeys is proposed. This section should be read in conjunction with Section 10.6 of this assessment. The Goatstown Local Area Plan (LAP) includes objective UD6 setting a benchmark height of three-storeys (with possible additional setback floor or occupied roofspace) for a number of sites including the application site. The current Development Plan (2022-2028) specifies under the Council's Specific Local Objectives (SLOs) for Map 1 (Clonskeagh/Dundrum) where the site is located an objective "to accord with the policies of the adopted Goatstown Local Area Plan". Appendix 5 of the Development Plan is the Building Height Strategy (BHS), which has regard to the National Planning Framework, The Building Height Guidelines. The site is in an area covered by Policy Objective BHS2 – Building Height in areas covered by an approved Local Area Plan or Urban Framework Plan (UFP must form part of the County Plan). The BHS acknowledges the policies of the Goatstown LAP and in particular the benchmark height under Objective UD6. Policy under the BHS does state that "there may be instances, however, where an argument can be made for increased height within the plan area and in those instances any such proposals would have to be assessed in accordance with any new performance criteria as outlined in the County Development Plan and SPPR3".

10.16.3 The applicant in their Statement of Consistency have outlined how they consider the proposal complies with the performance criteria under the Building Height Strategy (Table 15.1). I have carried out my own assessment of building height in the context

of these performance criteria and consider that the building height proposed is acceptable in the context of such. Having regard to the fact that current Development Plan policy specifically allows consideration for increased height over the specified height for the site subject to compliance with specified performance criteria, the provision of an increased height of up to six-storeys would not constitute a material contravention of Development Plan policy.

10.16.4 Part V: The proposal is for student accommodation with the applicant stating that there is no justification for a Part V obligation. In the context of current development Plan policy (2022-2028). Section 4.3.2 (Housing Choice) refers to specific exemptions to Part V where no or a reduced social element may be acceptable include “purposes built and professionally managed student accommodation”. In this regard the lack of any proposal to comply with Part V would not constitute a material contravention of current Development Plan policy under the Dun Laoghaire Rathdown County Development Plan 2022-2028.

10.16.5 Some of third-party observations indicate that the level of parking proposed is a material contravention of Development Plan policy. I would refer to section 10.11 above, which deals with traffic impact and car parking. As noted above car parking standards are maximum and not minimum standards and there is discretion available to consider reduced levels depending on certain criteria and locations. I have set out my views on the level of parking earlier and I would note that the provision of less than the maximum standard is not a material contravention of Development Plan policy.

10.16.6 CE report Comment: The CE Report does not identify any material contraventions of Development Plan policy and in regard to height carried out an assessment of the proposal in the context of the performance criteria under Table 15.1 of the Building Height Strategy. Apart from some issue with the design and scale the proposal for height above the benchmark level set out under the Goatstown LAP for the site was not considered a material contravention of Development Plan policy.

10.16.7 Conclusion on Material Contravention: I am of the view what the proposal does not constitute a material contravention of current Development Plan policy under the Dun Laoghaire Rathdown County Development Plan 2022-2028 which includes an objective to Council's Specific Local Objectives (SLOs) for Map 1 (Clonskeagh/Dundrum) where the site is located an objective "to accord with the policies of the adopted Goatstown Local Area Plan.

11.0 Environmental Impact Assessment Screening

11.1 Environmental Impact Assessment Report

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

11.1.2 Item 10(b)(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

11.1.3 Item (15) (b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: "Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect

of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

11.1.4 The proposed development is proposed is student accommodation providing for 221 bedspaces (equivalent of 55.25 dwellings) and ancillary communal facilities and is not within a business district and on a stated development site area of 0.34ha. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended.

11.1.5 The application was accompanied by an EIA Screening Report which includes the information set out in Schedule 7A to the Planning and Development Regulations 2001 as amended and I have had regard to same. The report states that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size, number of residential units (221 bedspaces equivalent of 55.25 dwellings) and the concludes that the proposal is unlikely to give rise to significant environmental effects, so an EIAR is not required.

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

11.1.7 The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and

demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Statement of Consistency
- Townscape and Visual Assessment Report
- Verified Views and CGI
- Civil Engineering Infrastructure Report and Flood Risk Assessment
- Ecological Impact Assessment
- Bat Survey Report
- Appropriate Assessment Screening Report
- Construction Environmental Management Plan
- Hydrological and Hydrogeological Risk Assessment
- Noise Impact Assessment
- Energy & Sustainability Statement
- Telecommunication Report

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

Document:	Comment:	Relevant Directives:
Ecological Impact Assessment		Directive 92/43/EEC, The Habitats Directive
Appropriate Assessment Screening Bat Survey Report		Directive 92/43/EEC, The Habitats Directive And Birds Directive (Directive 2009/147//EC)
Hydrological and Hydrogeological Qualitative Risk Assessment		Directive 2000/60/EC, EU Water Framework Directive
Site-Specific Flood Risk Assessment (Part of Civil Engineering Report)		Directive 2007/60/EC on the assessment and management of flood risks
No specific assessments under the CAFE Directive relevant to the proposed development at this location		Clean Air for Europe (CAFE) Directive (Directive 2008/50/EC)
Resource and Waste Management Plan		Waste Framework Directive (Directive 2008/98/EC)
Statement of Consistency Material Contravention Statement		Directive 2001/42/EC, SEA Directive

	No effect on any watercourses, wetlands or marine areas.	Directive 2008/56/EC; Marine Strategy Directive
	Not relevant to project/no industrial emissions	Directive 2010/75/EU; Industrial Emissions Directive
		Regulation (EU) 1315/2013; Trans-European Network in Transport, Energy and Telecommunication Regulation
N/A	No Seveso sites in the area.	SEVESO DIRECTIVE 82/501/EEC, SEVESO II DIRECTIVE 96/82/EC, SEVESO III DIRECTIVE 2012/18/EU

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

11.1.10 I have completed an EIA screening assessment as set out in Appendix 1 of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would

be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

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

12.0 Appropriate Assessment

12.1 Applicant's Stage 1 – Appropriate Assessment Screening

12.1.1 The applicant has submitted an Appropriate Assessment-Stage 1 Screening report. I have had regard to the contents of same.

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

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

Name	Site Code	Distance from Site
South Dublin Bay SAC	002122	2.8km
Wicklow Mountains SAC	002122	7.5km
North Dublin Bay SAC	000206	7.7km
Rockabill to Dalkey Island SAC	003000	9.5km
Knocksink Wood	00725	9.7km
Glenasmole Valley	001209	10km
Ballyman Glen	00713	11km
Howth Head	000202	12.4km
Baldoyle Bay	000199	13.1km
Bray Head	000714	14.9km
South Dublin Bay and River Tolka Estuary SPA	004024	2.7km
North Bull Island SPA	004006	6.1km
Wicklow Mountain SPA	004040	7.8km
Dalkey Island SPA	004172	9.5km
Baldoyle Bay	004016	13km
Howth Head Coast	004113	14km

12.2 Connectivity-Source-Pathway-Receptor:

12.2.1 The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the identified sites. No direct adverse effects are anticipated with no direct loss, fragmentation or disturbance of Annex I habitats or Annex II species listed as qualifying interest of the Natura 2000 sites. In

terms of indirect construction run-off following on-site management will discharge to public storm drain network, the development will discharge treated stormwater to the existing public storm drain network and the development will discharge sewage and wastewater to the Ringsend WWTP via the existing foul sewer network.

12.2.3 Impacts on water quality are ruled out on the basis of no direct discharges during demolition and construction phase to any watercourse due to separation from the nearest watercourses (Elm Park Stream and River Slang). Operational phase drainage will be through foul water drainage infrastructure connecting to existing public sewer system. Surface water runoff will be attenuated and discharged to public surface water pipe going to the WWTP in Ringsend. The applicants AA determines that no adverse effects upon any Natura 2000 site will occur.

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

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

12.3 **Appropriate Assessment Screening**

12.3.1 Description of the project: I have considered the proposal for a student accommodation providing for 221 bedspaces and ancillary communal facilities in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located in the existing built-up area and is occupied by an existing car sales premises with adjoining uses being residential.

12.3.2 Potential impact mechanisms from the project: The proposal has no direct impact on any designated Natura 2000 site in terms of habitat loss or deterioration and species disturbance or mortality with nearest site located 2.7km away. In terms of indirect impacts, the development would have no impact in terms of disturbance (noise, emissions, lighting, construction impact) of habitats or species of qualifying interests any Natura 2000 site due to distance between the site and any designated Natura 2000 site. The site is not an ex-situ habitat for the species that are qualifying interests (evidenced by ecological surveys submitted) of designated Natura 2000 sites.

12.3.3 In terms of hydrological connections, surface water drainage will be to the existing stormwater system and passing through SuDs features and underground attenuation tank with a flow control device regulating discharge. The stormwater system is within the catchment of the Elm Park stream, this subsequently discharges to Dublin Bay southeast of Merrion Gates. Foul water discharge is to the existing public network, which discharges to the Ringsend Wastewater Treatment Plant. There is possibility of indirect effects through discharges of sediments/pollutants to surface water during the construction and operational phase and impacting habitats and species that are dependent on maintaining water quality. The Department of Housing, Local Government and Heritage have made a submission highlighting the lack of tracing of surface water run-off to Dublin Bay and indicating that drainage to the Elm Park Stream is significant given its connection to the South Dublin Bay SAC and South Dublin Bay and Tolka Bay Estuary SPA. This is highlighted in the context of the strand adjacent the mouth of the Elm Park Stream dominated by *Salicornia* and other annuals colonising mud and sand, this area is partially protected by a crescent shaped spit of embryonic shifting dunes, with both being qualifying interests (QI's) of the South Dublin Bay SAC. The submission also points out that when the tide is out Elm Park stream runs across the mudflats and sandflats (QI of the SAC) and through the edge of the largest bed of dwarf eel grass *Zostera noltii* (an attribute of the mudflats and sandflats QI) on the east coast. The submission refers to two of conservation objective of the SAC which are to maintain favourable conservation condition of mudflats and sandflats not covered by sea water at low tide and to

maintain the extent of *Zostera* dominated community. The submission also notes that the *Zostera noltii* bed is also the first part of the South Dublin Bay and River Tolka Estuary SPA targeted for foraging by the light bellied brent goose, which is QI of the SPA. The submission raises concerns that the slim possibility of pollution from a site within the Elm Park Stream catchment reaching and having detrimental effects near the stream mouth is of some concern.

12.3.4 The recommendation of the Department submission is that a Construction Management Plan including measures to prevent pollutants being mobilised into surface water runoff from the proposed development during its construction phase shall be submitted to the planning authority for agreement prior to the commencement of development. The proposal is accompanied by a Construction Environmental Management Plan, which includes standard construction management measure to prevent pollution including suspended solids in run-off, concrete run-off, accidentals spillages and leakages. The operational drainage measures also include provision for preventing pollutants to surface water run-off. All such construction and operational measures are standard measures for urban development of this type and are not specific mitigation measures required to protect Natura 2000 sites and their QI's. In this regard I am satisfied that no specific mitigation measures are being recommended by the Department in their submission and the proposal does not rely on such to ensure no likelihood of significant effects on any Natura 2000 sites.

12.3.5 There is unlikely to be any indirect impact on water quality through foul water drainage with such draining into the Ringsend Wastewater Treatment Plant with indication that such will have upgraded in capacity by 2025.

12.4 European Sites at risk:

Table 1 European Sites at risk from impacts of the proposed project [example]
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Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
(A) Deterioration in water quality due to discharge of sediment/pollutants to surface water	Discharge to surface water system with subsequent discharge to River Liffey/Irish Sea	South Dublin Bay SAC (000210) Conservation Objectives: To maintain the favourable conservation condition of the qualifying interests.	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
(A) Deterioration in water quality due to discharge of sediment/pollutants to surface water	Discharge to surface water system with subsequent discharge to River Liffey/Irish Sea	South Dublin Bay and River Tolka Estuary SPA (004024) Conservation Objectives: To maintain the favourable conservation condition of the qualifying interests.	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]

12.4.1 The South Dublin Bay SAC and South Dublin bay and Tolka River Estuary SPA are the nearest designated aquatic based designated site to the with the site having an indirect hydrological connection through surface water with the site within the drainage catchment the Elm Park stream, which discharges to Dublin Bay and the with potential for risk to water quality due to discharge of sediments/pollutants during the construction and operational phase of the proposal.

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

Table 2: Could the project undermine the conservation objectives 'alone'					
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?			
		Effect A	Effect B	Effect C	Effect D
South Dublin Bay SAC					
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of the qualifying interests.	N			
Annual vegetation of drift lines [1210]	To maintain the favourable conservation condition of the qualifying interests.	N			
Salicornia and other annuals colonising mud and sand [1310]	To maintain the favourable conservation condition of the qualifying interests.	N			
Embryonic shifting dunes [2110]	To maintain the favourable conservation condition of the qualifying interests.	N			
South Dublin Bay and River Tolka Estuary SPA					
Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]	To maintain the favourable conservation condition of the qualifying interests.	N			
Oystercatcher (<i>Haematopus ostralegus</i>) [A130]	To maintain the favourable conservation condition of the qualifying interests.	N			
Ringed Plover (<i>Charadrius hiaticula</i>) [A137]	To maintain the favourable conservation condition of the qualifying interests.	N			

Grey Plover (<i>Pluvialis squatarola</i>) [A141]	To be removed, no site-specific conservation objective.	N			
Knot (<i>Calidris canutus</i>) [A143]	To maintain the favourable conservation condition of the qualifying interests.	N			
Sanderling (<i>Calidris alba</i>) [A144]	To maintain the favourable conservation condition of the qualifying interests.	N			
Dunlin (<i>Calidris alpina</i>) [A149]	To maintain the favourable conservation condition of the qualifying interests.	N			
Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]	To maintain the favourable conservation condition of the qualifying interests.	N			
Redshank (<i>Tringa totanus</i>) [A162]	To maintain the favourable conservation condition of the qualifying interests.	N			
Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]	To maintain the favourable conservation condition of the qualifying interests.	N			
Roseate Tern (<i>Sterna dougallii</i>) [A192]	To maintain the favourable conservation condition of the qualifying interests.	N			
Common Tern (<i>Sterna hirundo</i>) [A193]	To maintain the favourable conservation condition of the qualifying interests.	N			
Arctic Tern (<i>Sterna paradisaea</i>) [A194]	To maintain the favourable conservation condition of the qualifying interests.	N			
Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of the qualifying interests.	N			

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

the Elm Park stream to Dublin Bay and are not within the zone of influence of the project.

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

12.4.5 Likely significant effects on the European site(s) 'in-combination with other plans and projects: There nearest developments of note are to proposed development, are a proposed development of 934 units at the Central Mental hospital site (320912) which is pending decision and permitted development for 698 no. student bedspaces in 8 no. blocks ranging from three to seven storeys at Our Lady's Grove, Goatstown, Dublin 14 to the north west of the site (309430). I would rule out in-combination effects on the basis that any proposed or permitted development was subject to AA screening and that such connect to existing drainage infrastructure and are subject to the same construction management measures to prevent discharges of sediments/pollutants to surface water. I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s).

12.5 Overall Conclusion- Screening Determination:

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

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

This conclusion is based on:

- Objective information presented in the Appropriate Assessment-Stage 1 Screening report.
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same.
- Distance from European Sites.
- The absence of meaningful pathways to any European Site,
- Impacts predicted would not affect the conservation objectives.

13.0 Recommendation

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

14.0 Reasons and Considerations

1. The Daylight, Sunlight and Overshadowing Analysis provide results for daylight impact based on Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE (2011) (BR209) and Vertical Sky Component. There are concerns about accuracy of the results for Vertical Sky Component (VSC) in particular the high level of properties experiencing an increase level in values despite the proposal providing for a development of significantly increased bulk and scale relative to existing structures on site. In absence of a reliable assessment of impact on daylight levels in adjoining properties, a reasoned conclusion cannot be reached to determine that the proposal would not adversely impact on daylight levels within existing

properties immediately adjoining the application. In this regard the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The proposed development by virtue of design, scale and layout, in particular the north facing clusters located at fourth and fifth floor level, would have a physically overbearing impact and result in direct overlooking of the roof terrace room and private rooftop terrace area serving Apartment no. 20 of Trimbleston housing scheme located to the north of the site. The proposed development would be injurious to the residential amenities of this property and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Colin McBride
Senior Planning Inspector

10th December 2024

APPENDIX 1 EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference – ABP-313235-22		
Development Summary	Construction of student accommodation consisting of 221 bedspace, ancillary communal facilities associated site works	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening report
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	<p>The following has been submitted with the application:</p> <ul style="list-style-type: none"> • An Ecological Impact Assessment (EclA) which considers the Habitats Directive (92/43/EEC) and the Birds Directive 2009/147/EC). • A Civil Engineering Infrastructure Report and Flood Risk Assessment which have had regard to Development Plan policies regarding the Water Framework Directive (2000/60EC) and the Floods Directive (2007/60/EC). • A Construction Environmental Management Plan (CEMP),

		<p>Operational Waste Management Plan (OWMP) and Resource Management Plan (RWMP) which considers the Waste Framework Directive (2008/98/EC).</p> <ul style="list-style-type: none"> • A Noise Impact Assessment Report which considers EC Directive 2002/49/EC (END). <p>SEA and AA were undertaken by the planning authority in respect of the Dun Laoghaire Rathdown County Council Development Plan 2022-2028.</p>	
B. EXAMINATION	Response: Yes/ No/ Uncertain	<p>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes	The proposed development consists of a U-shaped block ranging from single, four, five and six-storeys in height and consisting of 221 bedspaces to the east of Goatstown Road Road with adjoining developments comprising mainly of residential development. The development is not regarded as being of a	No

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

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

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

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

preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan			
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	No	Bat survey report classifies site as being of low value in terms of bat activity with a low level of commuting and foraging on site and no bat roosts. Site is an active urban site dominated by existing structures and hardstanding and of low ecological value. The proposed development would not result in significant impacts to protected, important or sensitive species. Mitigation measures in the form of landscaping and implementation of bat friendly artificial lighting as part of the proposed development.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	The site and surrounding area does not have a specific conservation status or landscape of particular importance and there are no Protected Structures on site or in its immediate vicinity.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	No such features are in this urban location.	No

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

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

Inspector: Colin McBride
Date: 10th December 2024