



An
Bord
Pleanála

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

Inspector's Report ABP-314041-22

Strategic Housing Development

Demolition of buildings, construction of 108 no. residential Build to Rent senior living apartments and associated site works.

Location

Stradbrook House, Stradbrook Road, Mountashton, Blackrock, Co. Dublin.
(www.stradbrookroadshd.com)

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Tetrarch Residential Limited

Prescribed Bodies

1. Irish Water

Observer(s)

1. Alan O'Keeffe and Hilary Clarke
2. Aongus Ó hAonghusa and Philomena McCumiskey
3. Ben Davis
4. Benjamin Rycroft

5. Blackrock College Rugby Football Club (Patrick Finn)
6. Brendan O'Callaghan
7. Brian Buckley
8. Celine Keane
9. Ciara Ryan and Neil Hosty
10. Dara & Enda Donohue
11. Dara Monaghan
12. David Pyne
13. Dermot Casey
14. Desmond and Helen Murray
15. Emily and Martin Gallagher
16. Enda Riney
17. Fiona Tierney
18. Frank Boylan
19. George and Niamh Harrison
20. Gill Gillespie
21. Gillian Brett
22. Graham Scanlon
23. Grainne Ni Dhomhnaill
24. Helen Robinson
25. Ivan and Hazel Little
26. Janet McElheron
27. Joan Cahill
28. John Aherne
29. John O'Dea
30. John Reynolds
31. Kay Hanneffy
32. Kevin Carey
33. Kieran Scally
34. Lauren Keane
35. Laurence P O'Sullivan
36. Liam Hickey and Niamh Yeates
37. Lorna Madigan Murray
38. Luke and Ann Griffin
39. Maire Halpin
40. Margaret and Colin Kearney
41. Margaret Brett
42. Margaret McCarthy
43. Marian Farrell
44. Martin Quinless
45. Mary Gleeson
46. Mary Tully

47. Matthew McGann
48. Monica Rodriguez Lozano
49. Monica Sloan
50. Neil Kelly
51. Neil McGough
52. Niamh and Grattan O'Brien
53. Pádraig Ó'Cearbhaill
54. Pat and Mari Corcoran
55. Patrick and Eileen Casey
56. Patrick Finn
57. Peter Gunning
58. Ray and Ruth Gilmartin
59. Richard Birchall and Victoria O'Brien
60. Richard Boyd Barrett and Melisa Halpin
61. Richard Keevey
62. Robert Burke
63. Robert Tweedy
64. Shane Trappe
65. Sophia Doyle and Rory Twomey
66. SORCHA Farrell and Mark Hargaden
67. Stephen Briggs
68. Stephen Pye
69. Susanne Moran
70. Thomas Grimes
71. Thomas Handy
72. Vincent Barton
73. William & Margaret O'Rourke
74. William Condon
75. William Dunne
76. William Finbarr O'Sullivan
77. Windsor Park Residents Association CLG (Marston Planning)
78. Wynberg Park and Gleann na Smol Residents Association (RW Nowlan)
79. Zoe O'Connor

Date of Site Inspection

12th April 2023

Inspector

Daire McDevitt

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1.0 Introduction

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

2.0 Site Location and Description

The site, with a stated area of c.0.48 hectares, is located on the eastern side of Stradbroke Road in the suburb of Mountashon, Blackrock, Co. Dublin, c. 8km south of Dublin city centre and c.1.7km southeast of Blackrock town centre. The area is characterised by traditional two storey suburban housing with some infill development of varied heights, scale and massing.

The site is currently occupied by a vacant office block (Stradbroke House) built in the 1980s which is proposed to be demolished as part of the current application before the Board and Somerset House (mirror image of Stradbroke House) which is in the applicants ownership, forms the northern boundary of the site, but outside the application site boundaries and is used as a childcare facility. The site is bounded to the east by Blackrock College RFC clubhouse and pitches, with Wynberg House (RPS) bounding the north-western corner of the site and Wynberg Park houses to the northeast of this. Immediate bounding the site to the south are existing residential estates (including Windsor Park which have rear garden bounding the site), A detached two storey dwelling (No. 1 Windsor Park 'Oranmore') bounds the south-western corner of the site and fronts onto with access off Stradbroke Road. Stradbroke Road forms the western boundary. There are two access points currently off Stradbroke Road which are proposed to be closed and a new entrance opened up off Stradbroke Road, south of the existing northern entrance.

There are a number of Protected Structures in the immediate vicinity of the application site including Wynberg House (RPS No. 2012) and Rockhouse Manor and associated entrance gates (both RPS No. 1163) which are located on the opposite side of Stradbroke Road.

In the main observers appears to reside in Wynberg Park, Windsor Park/Drive Rockford Manor, Gleann na Smol and Stradbroke Road.

3.0 Proposed Strategic Housing Development

3.1 Proposed Development:

Permission is sought for a Strategic Housing Development with a total site area of c.0.48 ha, on lands located at and adjoining Stradbrook House, Stradbrook Road, Mountashton, Blackrock, Co. Dublin. The proposed development will comprise of the demolition of the existing Stradbrook House and adjoining surface car park, and the construction of: 108 No. Build-to-Rent residential senior living apartments (83 No. 1-bed apartments and 25 No. 2-bed apartments), with balconies / winter gardens provided for all units, across 2 No. blocks ranging between 3 to 7-storeys over basement with set back at sixth-floor level.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. And a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, as amended, notwithstanding that the proposed development materially contravenes the Dún Laoghaire-Rathdown County Development Plan 2022-2028 other than in relation to the zoning of the land.

A Natura Impact Statement (NIS) has been prepared in respect of the proposed development.

3.2 Development Parameters

Site Area	0.4813hectares
Proposal:	Demolition of existing office block (c.1210sq.m) and construction of 108 BTR units (senior living apartments) and a c.175sq.m commercial office space referred to as an 'Innovation Hub for Elder Care'
BTR Residential Services and Amenities	<p>Indoor Amenities Total c.521sq.m – includes multi-purpose social space and 6 no. smaller spaces as follows:</p> <p>Ground Floor: multi-purpose social space (c. 261sq.m).</p> <p>First Floor: breakout space (c.42sq.m), games room (c.44.6sq.m).</p> <p>Second Floor: breakout space (c.42sq.m), games room (c.44.6sq.m).</p> <p>Third Floor: gym (c.44.6sq.m).</p> <p>BTR/Senior Living Support Facilities Total c.86sq.m:</p> <p>office (c.20.3sq.m), staff room (c.29.8sq.m), post room (c.13.8sq.m) and staff changing rooms & WC (c.22.1sq.m).</p>
Density	225 uph
Plot ratio	2.1

Height	<p>3-7 storeys over basement (max. parapet level c.24.35m with c.1.25m lift overrun)</p> <p>Block A: 7 storeys (with set back at 6th floor)</p> <p>Block B: 4 storeys</p>
Dual Aspect	52%
Open Space	<p>Public Open Space: None.</p> <p>Communal Open Space:</p> <p>Ground Floor communal amenity space (c.880sq.m central courtyard)</p> <p>Roof Garden Communal amenity space at 3rd, 4th & 6th floor levels (c.286 sq.m in Block A and C. 164sq.m in Block B).</p> <p>Private open space: balconies and winter gardens</p>
Parking	<p>Car: Total 68: 55 (residential basement parking), 1 (communal ground floor parking) and 12 (crèche outside site boundaries). Ratio of 0.51 spaces per unit</p> <p>Bicycle: Total 202:</p> <p>The Planning report refers to 148 no. secure bicycle parking spaces/24 no. secure cycle spaces within separate bike store/30 no. short term bicycle parking spaces).</p>

<p>Access</p>	<p>Close up existing vehicular entrance on end of the western boundary onto Stradbrook Road. That serves the Rugby Club car park.</p> <p>Close existing vehicular entrance to creche to north end.</p> <p>Open new shared vehicular entrance to the south of existing crèche vehicular entrance (to also serve via the existing creche and proposed apartment block, an entrance into the separate rugby club buildings and grounds to the east of the site.</p> <p>Open a gap on the south end of the Stradbrook boundary to serve as a pedestrian entrance/yard into the front of the proposed apartment block.</p>
<p>Part V</p>	<p>30 units (c.27%)</p>
<p>Material Contravention of the Dun Laoghaire Rathdown County Development Plan 2022-2028 referred to in the submitted Material Contravention Statement</p>	<p>Car parking</p> <p>Public open space</p> <p>Unit Mix</p> <p>Employment Use</p>

The Applicants have stated that they intend to develop the first privately-developed Integrated Retirement Community ('IRC') in Ireland. The concept of an Integrated Retirement Communities, (commonly referred to as 'senior living') refers to:

- Integrated Retirement Communities offer older people the opportunity to live independently in their own home as part of a wider community.
- Lifestyle, wellbeing and support services are available to support people's independence and aspirations.

The integrated aspect of these communities means that they offer:

- Integrated Lifestyle: facilities such as gyms, cinemas, reading rooms / libraries, meeting rooms, communal areas and gardens, and a range of optional activities and social opportunities.
- Integrated Wellbeing and Support: personal and domestic care can be delivered within people's homes if they wish. Dedicated support staff teams are available if and when required; and
- Integrated within Wider Communities: Connections are maintained with the wider communities through family, friends, intergenerational activities, volunteering and leisure activities

3.3 Unit Mix

There are anomalies in the information submitted and having reviewed the submitted plans and particulars I note the following unit mix:

	1 bed	2 bed	Total
Block A	56 (HQA refers to 56 and 47)	23 (HQA refers to 25)	72 (HQA refers to 72* and 79*)
Block B	36	0	36 (HQA refers to 25 and 36)
Total	83 (HQA refers to 83)	25 (HQA refers to 25)	108 (HQA refers to 108)
% of total	77%	23%	100%

4.0 Planning History

Site/overlap with Blackrock College RFC:

PA D22A/0847 refers to an application by Tetrarch Residential Limited for amendments to existing vehicular/pedestrian access arrangements onto Stradbrook Road to provide a new vehicular/pedestrian access to Stradbrook House and Somerset House, and the provision of an associated internal access road (and security gate) connecting to BCRFC, the reorganisation and provision of car parking on the site.

PAD17A/0867 refers to a grant of permission for modifications to D12A/0142 relating to Somerset House.

5.0 Section 5 Pre Application Consultation

A section 5 pre-application consultation with the applicants and the planning authority took place online under ABP-311879-21 on the 10th March 2022 in respect of a proposed development of 115 BTR apartments (senior living).

Notification of Opinion

Following consideration of the issues raised during the consultation process and, having regard to the opinion of the planning authority, An Bord Pleanála issued an opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

The following issues needed to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Principle of Development

Further consideration of the documents as they relate to the use zoning objective that applies to the site. The documents must demonstrate that the proposed development would not materially contravene the zoning of the site.

Further consideration of the documents as they relate to Policy E8 of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, or Dun Laoghaire-Rathdown County Development Plan 2022-2028, whichever is relevant. The applicant shall ensure the further consideration/justification includes the following detailed information:

- a) Justification for a Senior Living Build To Rent scheme having regard to the requirement for assisted living, the parameters of the proposal and the need to support employment uses within the immediate catchment area.

- b) Justification for any Material Contravention of the development plan (other than in relation to the zoning of the site) having regard to the location and the circumstances of the surrounding area, including those relating to the availability or otherwise of infrastructure, employment, retail, commercial or social services. These should be based on verifiable facts.

2. Development Strategy

Further consideration and/or justification of the documents as they relate to the overall design, scale and mass, the proposed interface with Stradbroke Road, the transition with existing dwellings and the justification for any material contravention of the height strategy in the development plan and compliance with Section 3.2 of the Urban Development and Building Heights: Guidelines for Planning Authorities (2018)

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that the following specific information should be submitted with any application for permission.

1. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary treatment/etc. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).
2. Submission of a Waste Management Plan.
3. Proposals for the management and operation of the proposed development as a 'Build-to-Rent' scheme in accordance with Specific Planning Policy Requirement No. 7 of the Guidelines on Design Standards for New Apartments, including detailed proposals for the occupation of the development by a particular category of person incorporated into a draft section 47 agreement, and the provision and management of support facilities, services and amenities for those residents. A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted and shall detail the appropriate use of external materials on all elevations. The plan shall also address the management and maintenance of public spaces and access to the development.
4. A Traffic and Transport Assessment including, inter alia, a rationale for the proposed car parking ratio should be prepared, to include details of car parking management, car share schemes and a mobility management plan.

5. Design of the proposed surface water management system including attenuation features and cross sections of all SuDS features proposed on site in the context of surface water management on the site, discharge rates equal to greenfield sites and issues raised in the Drainage Dept report.
6. A quantitative and qualitative assessment which provides a breakdown of the communal and/ or any public open space provision. The assessment shall detail the functionality of the public space and shall disregard any areas required for circulation space such as footpaths between buildings etc.
7. Submission of a Sunlight/Daylight/Overshadowing analysis including all relevant plans/ documentation showing an acceptable level of residential amenity, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
8. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.
9. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such a statement should have regard to the development plan in place at the time of the application and that likely to be in place at the date of the decision of the Board in respect of the application.
10. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

Applicants Statement

A statement of response to the Pre-Application Consultation Opinion (ABP 310080-21) was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the specific items raised in the opinion.

Item No. 1:

The applicant has stated that the documents submitted clearly demonstrate that the Subject Proposal would not materially contravene Development Plan policy as it relates to the zoning of the Subject Site.

The applicant notes that while 'Residential' development is an open for consideration land use for Objective E-zoned lands, such lands are also subject to Policy E15 of the Development Plan (Securing Employment Growth) which states:

"It is a Policy Objective to ensure that employment zoned land facilitates its primary objective which is to provide for economic development and employment. The Council will apply a restrictive approach to residential development on employment zoned lands."

The proposed development seeks permission to demolish a vacant commercial office block (c 1,210 sqm). A mixed-use scheme, incorporating, inter alia, 2 No. employment-generating uses including a Build-to-Rent residential scheme incorporating c.86 sqm of non-residential staff spaces, and a c.175 sqm commercial office space, is proposed. The applicant submits that Policy E15, which seeks that employment-zoned lands facilitate economic development and employment, is fulfilled through the proposed development.

It is submitted that the planning Application provides ample justification for the proposed Senior Living Build to Rent (BTR) scheme, having regard to the requirement of senior-living developments and similar housing formats in the local area, the specific parameters of the development proposed, and the need to support employment uses in the area.

On foot of legal advice, the applicant submits that BTR accommodation is merely "residential accommodation" of a specific kind and "subsumed" within Residential, so reference to Residential use in Table 13.1.13 of the Development Plan incorporates, as "Open for Consideration", use of buildings designed for human habitation, whether purpose built for long-term rental, management and servicing in an institutional manner or not. Refers the Board to the submitted Legal Opinion on Zoning, dated 11 May 2022, prepared by McCann FitzGerald LLP.

It is contended that the proposal complies with Policy E15 of the Development Plan, in that the proposed development will facilitate economic development and employment. Refers the Board to the Stradbroke Road Extra Care Economic Benefits Assessment, prepared by Savills.

It is submitted that the Material Contravention Statement provides acceptable justification for some 4 no. material contraventions of the Dún Laoghaire-Rathdown Development Plan 2022- 2028. The material conventions of local planning policy relate to car parking provision, public open space provision, proposed unit mix, and employment policy. The applicant wishes to highlight that it is their view that the subject proposal does not materially contravene the Development Plan with regards to the land use zoning of the subject site.

Item No. 2

The proposed development has been altered in order to address some of the issues raised in the opinion. Where certain aspects of the proposed development have not been substantially altered or removed in response to ABP's recommendation, additional justification has been provided. The Board is referred to the Architectural Design Statement.

The applicant has also submitted responses to items no.1 to 10 of the specific information in an attempt to address the issues raised.

6.0 Planning Context

6.1 National

National Planning Framework 2018-2040

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating

these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs. Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.

Objective 4 to ensure the creation of attractive, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and wellbeing

Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria to achieve well-designed high-quality outcomes in order to achieve targeted growth.

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.

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.

Objective 35 promotes increased densities through measures including infill development schemes, area or site-based regeneration and increased building height.

Rebuilding Ireland – Action Plan for Housing and Homelessness 2016

Pillar 4 refers to the Improvement of the Rental Sector. Key objectives include addressing the obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents.

Key actions include encouraging the “build to rent” sector and supporting greater provision of student accommodation. The plan recognises the importance of providing well designed and located student accommodation in order to avoid additional pressures in the private rental sector.

Housing for All – A New Housing Plan for Ireland (2021)

It is a multi-annual, multi-billion euro plan which will improve Ireland’s housing system and deliver more homes of all types for people with different housing needs.

The government’s overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price
- built to a high standard and in the right place
- offering a high quality of life

The government’s vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system.

The policy has four pathways to achieving housing for all:

- supporting home ownership and increasing affordability
- eradicating homelessness, increasing social housing delivery and supporting social inclusion

- increasing new housing supply
- addressing vacancy and efficient use of existing stock

Housing for All contains 213 actions which will deliver a range of housing options for individuals, couples and families.

Section 28 Ministerial Guidelines:

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

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020).

I wish to draw the Board attention to the fact that The Apartment Guidelines were updated in December 2022, subsequent to the lodgement of the subject application. The updated Guidelines do not include Specific Planning Policy Requirements (SPPRs) 7 and 8, which relate to BTR development. The amended Guidelines came into effect on 22nd December 2022. Transitional arrangements are set out in Circular Letter NRUP 07/2022, which states:

All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that are subject to consideration within the planning system on or before 21st December 2022 will be considered and decided in accordance with the current version of the Apartment Guidelines, that include SPPRs 7 and 8.

My assessment is therefore based on the 2020 Apartment Guidelines.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual.
- Design Manual for Urban Roads and Streets (DMURS).
- Retail Planning Guidelines for Planning Authorities (2012) and the Retail Design Manual.
- Childcare Facilities – Guidelines for Planning Authorities (2001)
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009).

6.2 Regional:

Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.

The RSES including the Dublin Metropolitan Area Strategic Plan (MASP) was adopted on the 3rd of May 2019.

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region.

RPO 4.3 supports “the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs.”

Section 5.3 identifies guiding principles for development of the metropolitan area, which include: Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.

6.3 Local:

Dun Laoghaire Rathdown County Development Plan 2022-2028

The site is located on lands zoned ‘E’ which have a stated objective ‘*to provide for economic development and employment*’

Section 13.2 defines Residential – Build to Rent as ‘purpose built accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord.

Section 13.2 defines Assisted Living Accommodation as ‘for those that require assisted living in specifically designed units in which dining, recreation, hygiene and health care facilities can be shared on a communal basis’.

Based on the available definitions the proposed BTR ‘Elderly Shared Living’ does not fall within the scope of ‘assisted living accommodation’. There is no specific category defined as BTR Elderly Shared Living. Based on the plans and particulars submitted the current proposal resembles a BTR development and I am of the view that it falls within the definition of Residential- Build to Rent’.

Section 13.2 defines office as ‘a building in which the sole or principal use is the undertaking of professional administrative financial marketing or clerical work including services provided principally to visiting members of the public’.

Table 13.3.13 notes that Residential is ‘open for consideration’ on Zoning Objective ‘E’ lands subject to note ‘b’ which states “*in accordance with Policy Objective E15: Securing Employment Growth*”

Policy Objective E15 (securing economic growth) states “*It is a policy objective to ensure that employment zoned lands facilitates its primary objective which is to provide for economic development and employment. The Council will apply a restrictive approach to residential development on employment zoned lands*’

I do not propose to summarise all policy objectives that apply, those of note include inter alia:

Density:

Section 12.3.3.2 notes that: “the objective is to optimise the density of development in response to type of site, location and accessibility to public transport.”

PHP18 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.

PHP20 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.

Unit Mix:

PHP27 It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.” Section 2.9.2 of the Housing Demand Need Assessment (HDNA), contained within Appendix 2 of the Development Plan, relates to housing mix.

Section 12.3.3 (Quantitative Standards for all Residential Development)

Table 12.1 'Apartment Mix requirements' : New developments in existing built up areas may include up to 80% studio/1 bed or 2 bed with no more than 30% of the overall development a combination of 1 bed and studio and not more than 20% of the overall development as studios. And a minimum of 20% 3-bedroom + units.

(also note Table 2.9.1 'Apartment Mix Requirements' in the HDNA).

Build to Rent:

Section 4.3.2 Housing Choice

PHP28 It is a Policy Objective to facilitate the provision of Build-to-Rent in suitable locations across the County and accord with the provisions of 'Sustainable Urban Housing: Design Standards for New Apartments', 2020 (and any amendment thereof). Proliferation of Built to rent should be avoided in any one area. As the HNDA does not support provision of shared accommodation there shall be a presumption against granting planning permission for shared accommodation/co-living development.

Build-to-rent (BTR) accommodation will be facilitated at appropriate locations across the County in accordance with land use zoning objectives. For the avoidance of doubt, BTR is:

- Permitted in principle in areas zoned objective MTC (major town centre) and DC (district centre).
- Open for consideration in areas zoned objective NC (subject to retaining an appropriate mix of uses), A, A1 and A2.

BTR shall be located within a 10 minute walking time from high frequency public transport routes. BTR will be considered as a component part of achieving an appropriate mix of housing, however, a proliferation of Build to Rent in any one area shall be avoided.

12.3.6 Build-to-Rent Accommodation Build-to-Rent (BTR) accommodation consists of purpose-built, long-term rental apartment accommodation that incorporates dedicated residential amenities and facilities. BTR accommodation will only be permitted in suitable locations in accordance with Policy Objective PHP28.

PHP30 It is a policy objective to support housing options for older people and persons with disabilities/mental health issues.

Support the provision of specific purpose-built accommodation, including assisted living units and lifetime housing, and adaptation of existing properties.

Promote 'aging in place' opportunities for 'downsizing' or 'right sizing' within their community.

Parking:

PHP42 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.

T19 It is a Policy Objective to manage carparking as part of the overall strategic transport needs of the County in accordance with the parking standards set out in Section 12.4.5.

Section 12.3.4 contains stated aims of ensuring orderly and sustainable development through the use of objectives and standards for development management.

The Site is located in Parking Zone 3. "Within parking zone 3 maximum standards shall apply to uses other than residential where the parking standard shall apply. In zone 3 additional parking shall be provided for visitors in residential schemes at a rate of 1 per 10. In some instances, in zone 3 reduced provision may be acceptable dependent on the criteria set out in 12.4.5.2 (i) with particular regard to infill/brownfield developments in neighbourhood or district centres.

- Apartment (1&2 bed) required 1 space per apartment plus 10% additional visitor parking (118 required for 108 units)
- Office 1 space per 100sq.m – 1.75 spaces required for c.175.5 office space.
- Parking provided for creche which is in the applicant's ownership but outside the site boundaries (this is a replacement of existing spaces provided on the application site at present).

Open Space

OSR4 It is Council policy to promote public open space standards generally in accordance with overarching Government guidance documents 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities' (2009) and the accompanying 'Urban Design Manual - A Best Practice Guide'

Table 12.7 sets out the categories of Open Space for Residential Development. The notes state that in all instances where public open space is not provided a contribution under Section 48 will be required for the short fall.

Table 12.8 sets out that a minimum of 15% (of the site area) is required.

Section 12.3.6 (BTR) notes that ‘where any derogations in standards including standards relating to unit mix, open space, car parking and storage are availed of, a condition should be attached to any grant of permission to state that planning permission must be sought for a change of tenure to another tenure model following the period specified in the covenant’.

Height:

BHS 1 (Increased Heights) It is a policy objective to support the consideration of increased heights and also to consider taller buildings where appropriate in the Major Town Centres of Dún Laoghaire and Dundrum, the District Centres of Nutgrove, Stillorgan, Blackrock, and Cornelscourt, within the Sandyford UFP area, UCD and in suitable areas well served by public transport links (i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route) provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area. (NP0 35, SPPR 1& 3).

Having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 there may be instances where an argument can be made for increased height and/or taller buildings in the areas mentioned above. In those instances, any such proposals must be assessed in accordance with the performance-based criteria set out in table 5.1 which is contained in section 5. The onus will be on the applicant to demonstrate compliance with the criteria.

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

BHS3 (Building Height in Residual Suburban Areas) It is a policy objective to promote general heights of 3 to 4 storeys, coupled with appropriate density in what are termed residential suburban areas of the County provided that proposals ensure a balance between the reasonable protection of existing residential amenity and the established character of the area.

Having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 there may be instances where an argument can be made for increased height and/or taller buildings in the areas mentioned above. In those instances, any such proposals must be assessed in accordance with the performance-based criteria set out in table 5.1 which is contained in section 5. The onus will be on the applicant to demonstrate compliance with the criteria.

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

Appendix 5 Building Height Strategy

Section 4.4 notes that areas not covered by existing or forthcoming Local Area Plans or other guidance/policy as set out in the Plan and not falling into objective F, B, G or GB are termed 'residual suburban areas'.

Table 5.1 sets out the criteria for assessing proposal for increased height.

6.4 Applicants Statement of Consistency

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which states how the proposal is consistent with National, Regional and local policy and requirements of section 28 guidelines.

6.5 Applicants Statement of Material Contravention

The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The statement sets out the justification for the proposed residential development, in particular the proposed:

- Open space
- Car parking.
- Unit Mix.
- Employment use (Policy objective E15)

which are stated to materially contravenes the Dun Laoghaire Rathdown County Development Plan 2022-2028.

The application also includes a Legal Opinion regarding A) whether the proposed SHD on lands zoned 'E' would constitute a material contravention of the Plan in relation to zoning and b) whether policies relating to zoning objective 'E' under the Plan have an bearing on the answer to a).

6.6 Designated Sites

The proposed development is not in or adjacent to any Natura 2000 site.

7.0 Observer Submissions

The Board received 80 valid submissions, these included 1 from Prescribed Bodies (refer to section 9 of this report) and 79 observer submissions which I propose to summarise in this section. The bulk of the submissions received are from residents of Stradbrook Road, Windsor Park, Windsor Drive, Windsor Court, Rockford Manor, York Road, Brook Court, Wynberg Park, Gleann na Smol and Ashton Park.

2 of the submissions have been received from local residents' associations/groups:

1) Windsor Park Residents Association Company Ltd. The submission was prepared by Marston Consultancy Planning, issues raised overlap with common themes raised by third parties and shall be summarised thematically below. The Submission includes a legal report/opinion from FP Logue solicitors which outlines observations relating to the validity of the application, ultra vires nature any condition pertaining to 'Senior living' would be, project splitting (application and application by Blackrock RFC for car park), lack of jurisdiction (land use zoning) lack of capacity in the wastewater treatment network, the Material Contravention Statement does not comply with section 8(1)(a)(iv)(II) of the 2016 Act, unidentified material contraventions (CS6 lands for Employment use, E10 Office Development and section 2.4.8.4 (demand for employment zoned lands), CA6 retrofit and reuse of buildings, PHP28 which limits BTR to suitable locations, PHP 27 read with section 12.3.3.1, T27 traffic noise, section 12.4.5.1 as submitted traffic assessment refers to parking zone 2, and section 12.4.5.3 as no provision for disabled parking), non compliance with EIA Directive, survey limitations regarding the EclA submitted etc and a Technical note on traffic and transport considerations prepared by Martin Peters Associates consulting engineers.

2) Wynberg Park & Gleann na Smol Residents Association. The submission s prepared by RW Nowlan & Associates Chartered Planning & Property Advisors, issues raised overlap with common themes raised by third parties and shall be summarised thematically below.

There is a significant degree of overlap and reiteration of issues raised in the submissions from local residents and local groups and I propose to summarise these by topic rather than individually. A number of submissions include a variety of schematics, photographs and other supporting images etc

1 submission (joint submission) has been received from political representatives: Richard Boyd Barrett TD & Cllr Melisa Halpin issues raised relate primarily to: traffic congestion & parking, failure to address housing needs, lack of democracy in the SHD process, timing of lodgement when application lodged (July).

Oral Hearing requests were included in 3 submissions (Ciara Ryan & Neil Hostly, Dara & Enda Donohue and Sophia Doyle & Rory Twomey) which I address in section 10.

In summary the topics raised are summarised below and are dealt with later in the assessment that follows.

Material Contravention of the Dun Laoghaire Rathdown County Development Plan 2022-2028:

- Land Use zoning 'E'
- Height
- Carparking
- Open Space
- Section 6.4.2.14 Policy Objective E15 Securing Economic Growth
- Material contraventions as set out in the submission referenced above from Windsor Park Residents Association Company Ltd.

Land use Zoning 'E'

- Site is zoned 'E' Economic development and enterprise.
- Application should have been lodged with DLRCC as not SHD due to zoning.
- No employment uses proposed
- ABP is prohibited from granting permission for SHD where it materially contravenes the land use zoning objective, as is the case here. Reference to Redmond v An Bord Pleanála [2020] IEHC 151

Demolition and loss of employment uses:

- Unacceptable demolition of an existing office block
- Loss of mint (coffee dock in a refurbished container on site) which is an invaluable asset to the local community
- Query the 'innovation Hub for Elderly Care' and its viability given the limited space etc
- Support the demolition of the office block as it was not a viable use.
- Development of the site should incorporate the existing office block

Tenure/Senior Living Accommodation

- No accommodation/amenities for the proposed retirement community.
- What guarantees are given that it will be senior living and not student accommodation.
- Proposal is for a housing scheme and not a facility for elderly residents.
- No planning designation for Build to rent Senior Residential Living exists
- No demand for this type of development at this scale
- It is not designed for assisted living. It is not fit for purpose.
- BTR is not a suitable model/tenure for the area.
- All units, including the 30 part V should be for elderly living.
- Submission welcomes this type of development and the opportunity to downsize and remain in the area.

Density:

- Density of 225uph is too high. Previous development plan had a guide of 35uph.
- Disproportionate density, Rockford Manor 103 units with a density of c.37uph is more appropriate.
- Overdevelopment of site.

Design & Height:

- Height is excessive for the area which is predominantly 2 storeys
- Visually oppressive development
- Scale is excessive and development will be an eye sore
- height, scale and massing out of character with the area.
- Height of 7 storeys would set an undesirable precedent
- Development will diminish value and desirability of the area.
- A 3-4 storey building would be more suitable for the site.

Residential Amenities:

- Overlooking, loss of light and overshadowing of houses on the northern side of Windsor Park
- Playground will be overlooked
- Loss of privacy
- Serious impact on No.1-8 Windsor Park as back garden bounds the site.
- Drawing submitted are inaccurate and do not reflect the existing situation or show extensions to houses etc
- Deprecation of properties in Windsor Park
- Overlook and dwarf adjoining bungalow in Rockford Manor.

Open Space

- No open space proposed, DLRCC requires 15%
- Loss of habitats and reduction in amenities
- Loss of trees and wildlife

Traffic & Transportation

- Traffic congestion
- Overflow parking
- Loss of parking at Stradbrook Rugby Club
- Increase in traffic and kerbside parking which is a traffic hazard
- Not close to public transport
- Construction traffic – safety concerns for creche and schools.
- Insufficient parking proposed. Site is in zone 3 which requires 1 space per unit.
- Traffic safety/overflow parking associated with the rugby club
- Area the subject if extensive illegal parking associated with the rugby pitches.
- No cycle lane along Stradbrook Road

- Query if suitable access for emergency service vehicles is provided.
- Stradbrook Road is a dangerous road, this will be further exacerbated by additional traffic associated with the proposed development.
- No. 4 bus is infrequent and already at capacity during peak times.
- Glare from the proposed development results in a serious traffic hazard.

Construction:

- Traffic
- Noise/dust

Drainage

- Low water pressure in the area.
- Water and sewerage issues in the Monkstown area

Built Heritage

- Impact on protected structures

Other:

- Application lodged at the time when most local residents would be on holidays in an attempt to reduce objections.
- No consultation with the local community.
- Inaccurate plans and particulars which do not show extension etc to adjoining houses.
- SHD process is undemocratic.

8.0 Planning Authority Submission

In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 5th September 2022. The planning authority has raised serious concerns with regard to the proposed development submitted. The report may be summarised as follows:

8.1 Information Submitted by the Planning Authority

The submission from the Chief Executive includes details in relation site location and description of proposal, zoning, planning history, interdepartmental reports, summary of submissions/observations, summary of views of elected members, policy context and assessment.

8.2 Summary of views of Elected Representatives - Meeting of the Dun Laoghaire HEPI Area Committee on the 10th August 2022.

Below is the summary of the views of the relevant Elected Representatives: contained in the Chief Executive's Report:

- Proposal excessive in height, density, scale/bulk and impact on services.
- Height an intrusion and impact on privacy, significant overlooking of existing residences.
- Disconnect and inconsistencies between description and stated intended occupiers and the proposal's details, accommodation, layouts, open space e.g ground level and services – not appropriate for elderly.
- Intended tenants/tenure/occupiers not enforceable.
- Target tenants unlikely to sell homes to rent in proposal.
- Proposal definition/intended use queried – no standard elderly provisions.
- Should apply conditions that proposal only for senior citizens.
- Query validity of application – no category for such type development.
- Proposal does not respect and is not consistent with 'E' zoning and employment element not in proportion, too small.
- Council should be very reticent to move away use away from 'E' zone intention.
- Should not allow material contravention for proposal and use.
- Material Contravention lacks detail, refers to draft plan, miscalculates parking etc.
- Disconnect between indicated 190sq.m employment floor size but for 22 staff.
- Demolition of existing block appears contrary to Development Plan policy for re-use.
- Wastewater could be an issue on site.
- Little amount of green space proposed.
- Full dual aspect unit provision not clear, regards percentage assessment
- Too few car parking for Rugby Football Club, with overspill into surrounding residential areas e.g particularly parking on match days.
- Only one accessible car parking space.

8.3 Planning Assessment

I refer the Board to the Chief Executives Report for the full text. Point of note raised under various headings are set out below:

Principle of Development

- Site is on lands zoned 'E' with an objective 'to provide for economic development and employment'.

- Residential development is 'open for consideration' on lands zoned 'E' with 'b' note caveat that this is when 'in accordance with Policy Objective E15: Securing Employment Growth' and otherwise subject to compliance with relevant policies, local objectives, standards and requirements of the County Development Plan.
- Build to Rent is not indicated as 'open for consideration' or 'permitted in principle'
- Policy Objective PHP18 seeks to supply and promoted compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility factors etc. Along with encouraging higher densities. However, It is noted that the proposal is for 108 BTR on lands zoned 'E' not 'A' and the planning authority is of the view that the site is not considered within easy walking distances (5-10 minute walk) of frequent public transport or other supporting community etc. And is not within 1km of a DART station (it is c.1.6km to the nearest one). It is not considered within walking distance of Blackrock village (c.1.7km). The planning authority therefore concluded that the principle of residential infill development at this location is not considered acceptable.
- With regard to the site specific tenure 'senior living' the County Development Plan provides a definition for 'assisted living accommodation/retirement homes'.
- In regard to the 'E' zoning, the following caveats/policies apply:
 - Policy Objective E15 (securing economic growth) which sets out that the Council shall apply a restrictive approach to residential development on employment zoned lands.
 - The zoning matrix specifically refers to residential development as open for consideration with a caveat referring to Policy Objective E15.
- With regard to Section 11.4 (Architectural Heritage) and Chapter 12 (boundaries) concern is raised in relation to the impact on the boundary with the Windsor Park Houses and the potential detrimental impact of the development due to its proximity to the site boundaries on Rockford Manor and the entrance gateway.

- The planning concluded that having regard to the zoning and proposed use, it is considered that the principle of residential development of this scale, and redevelopment, is not appropriate and would negatively impact on the existing zoned 'E' employment lands and availability of employment zoned lands in the area. The proposal, for a residential (BTR) only, stated 'serviced residential' scheme, would not accord with the primary – enterprise and employment based - objective of the lands, and would overall noting also Policy E15 Securing Employment Growth, reduce the available enterprise and employment zoned lands in the DLRC area overall, and in particular, the limited such zoned lands in this specific area. And would therefore materially contravene a development objective in the 2022-2028 County Development Plan.

Density

- Section 12.3.3.2 states that in general the number of dwellings to be provided on a site is determined with reference to the SRDUA 2009 and the 2020 Apartment Guidelines. It sets out that as a general principle, and on the grounds of sustainability, the objective is to optimise the density of development in response to type of site, location and accessibility to public transport.
- Policy Objective PHP18 notes that the Development Plan seeks to maximise the use of zoned and serviced residential lands, and that consolidation through sustainable higher densities allows for a more compact urban growth that in turn readily supports an integrated public transport system.
- The planning authority highlight that the site is on lands zoned 'E' for employment related development.
- The planning authority considers that the location of the site is not within walking distance of the district centre of Blackrock village and, notwithstanding the nearest and relatively limited (bus) mode of public transport that is accessible within walking distance. The planning authority is not satisfied that such a high density of development can be considered and accommodated at this location to the extent proposed.

Residential Accommodation and Mix

- Policy Objective PHP27 refers to provision of a wide variety of housing mix, tenures and sizes throughout the County.

- Policy Objective PHP30 refers to the promotion of ‘aging in place’ opportunities for people to down/right size in their community.
- Section 12.3.3.31 notes that proposals over 50 units will be required to incorporate a variety of unit types and size. The planning authority concluded that SPPR 7 of the apartment Guidelines sets out no restrictions on units that the current proposal complies with SPPR8 of the Apartment Guidelines and therefore acceptable.
- The planning authority conclude that the proposed development generally accords with the provisions of the County Development Plan.

Residential Unit Standards

- The planning authority noted that the stated floor areas for the proposed units meet or exceed the requirements of section 12.3.5.5 (minimum apartment floor areas) and SPPR 3 of the Apartment Guidelines.
- The planning authority noted that the stated private amenity areas for the proposed units meet or exceed the requirements of section 12.8.3.3(ii) (private amenity space) and SPPR8 of the Apartment Guidelines.
- The planning authority noted that number of dual aspect units and raised concerns that the proposal does not fully accord with the requirements of section 12.3.5.1 (dual aspect) as some of the units are not considered true dual aspect
- The planning authority noted that the floor to ceiling heights for the proposed units meet the requirements of section 12.3.5.6 (floor to ceiling heights).
- The planning authority noted that the units per core 1 are limited to 12 per core under section 12.3.5.6 (units per core). However the proposal meet the requirements of section SPPR8(v) of the Apartment Guidelines.

Building Height

- The planning authority notes policy objective BHS3 and appendix 5 of the current County Development Plan. The site is located within a ‘Residential Suburban Area’ where it is policy to promote general building heights of 3-4 storeys, coupled with appropriate density and ensure a balance between the reasonable protection of existing amenities including residential amenity and the established character of the area.

- Appendix 5 (Building Height Strategy) incorporates the key elements of the Building Height Guidelines. Any proposals must be assessed in accordance with the criteria set outlined in Table 5.1 with the onus on the applicant to demonstrate compliance.
- At County level, the planning authority concluded that that the site is not suitable for accommodating the quantum of additional building height proposed, which would otherwise assist in securing NPF objectives by providing compact urban growth and good quality residential accommodation. The site is not located within easy (5-10 min. walking time) of frequent public transport, Blackrock village or other services. Give the location of the site in the context of the streetscape and the siting of the apartment block elements, close to the south and west boundaries it is considered the proposed building cannot be successfully absorbed at this location. The planning authority is not satisfied that the provision of additional accommodation within this suburban infill site would represent a better utilisation of the site noting the 'E' employment zoning and related uses.
- At District/Neighbourhood/Street Level, the planning authority is not satisfied that the development can make a positive contribution to the urban neighbourhood in its current form. It is noted that the apartment block is considered to be of a substantial height, size, mass and bulk and positioned unduly close to the southside and front western boundaries relative to its size. The planning authority is not satisfied that the layout of the development would provide for an appropriate level of enclosure (if desired)/relationship to its surroundings. The mostly suburban nature of the surrounding and the size concerns are highlights. Overall the planning authority is not satisfied that the design of the development allows meaningful, or positive human contact between all levels of buildings and the street or spaces.
- At site/building scale, the planning authority is satisfied that the apartments would benefit from a good standard of amenity (daylight/sunlight). Having regard to the site layout and its context, concerns regarding the overall size of the development are highlighted throughout the CE report. It is noted that there would, due to the combined height, number of windows and balconies, and noting the existing site and surrounding environment, the subject proposal would have impacts due to overlooking, overbearing and some overshadowing (indicated summer evenings on the gardens to the south) impacts, on the surrounding and existing residential developments. Concerns are also raised regarding potential impacts on the nearby protected structures to the north and southwest.

- The planning authority considers that the subject site is capable of accommodating some increased height which may accord with the proper planning and sustainable development of the area and comply with applicable performance based criteria set out in Table 5.1 of the Building Height Strategy comprising Appendix 5 of the Dun Laoghaire Rathdown County Development Plan 2022-2028. The planning authority consider that the proposed block(s) in their current form, would be reason of its height and overall massing and volume, be visually overbearing when viewed from the existing adjacent development to the south of the site in particular, and when viewed on the streetscape and properties to the west, and appearing over-scaled relative to the receiving environment as proposed.

Design and Layout

- Policy Objective PHO18 seeks to promote compact urban growth and the consolidation and re-intensification of infill/brownfield sites and to encourage higher densities provided proposal of high quality design and ensuite a balance between protection of existing amenities and character of the area with the need to provide for high quality sustainable residential development.
- The planning authority concluded that the scale and overall layout of the development proposed is not considered to be site specific enough at the location and having regard to its proximity to surrounding built form, in particular the residential properties adjacent.

Sunlight and Daylight Access

- It is noted that the proposed development would result in some increased level of overshadowing on existing adjacent lands (eg rear gardens of Windsor Park in summer afternoons). Having regard to the context and layout of adjacent properties, and content of the daylight and sunlight analysis of same, it is considered that the proposed development may have negative impact on the amenities of existing adjacent property by way of undue overshadowing.

Impact on Adjoining Amenities

- Having regard to the layout of the proposed apartment block within the site to adjacent built form, sunlight and daylight analysis submitted, siting of the blocks relative to subject site boundaries and landscaping proposal detailed, it is considered that the development as proposed would not adequately protect against undue overbearing, overshadowing impact, or undue overlooking of adjacent built form, and the streetscape.

- The planning authority have concerns in relation to the impact of the proposed development when viewed from existing adjacent residential properties and streetscape.

Open Space Provision and Public Realm

- The lack of public open space provision within the development is of some concern regarding the relevant requirements of the Development Plan and notwithstanding the nature and layout of the proposal.
- There are some concerns regarding the loss of all of the south boundary planting and the soft landscaping plan appears to show limited areas of grass and stated 'Buffer' planting.

Childcare Facilities

- The planning authority concluded that, other than the submitted Social Infrastructure Audit, no stated rationale for no childcare was apparent. However noting the nature/intended tenure of the proposals and the retention of the adjacent existing large creche shown outside the redline for development, but inside the blue line of ownership, and the proposed development description and details, showing the retention of car parking for the creche, this approach to no provision is considered to be acceptable in this instance.

Drainage

- Some minor discrepancies in the final surface water hydraulic model results have been identified, but this can be addressed at compliance stage.
- Contents of the IW submission is noted.
- The planning authority considers that the drainage details are generally acceptable.

Transportation, Parking and Access

- The development includes the replacement and relocation of the existing two vehicular entrances, a basement car park and entrance ramp within the middle of the overall site, and the removal of existing car parking area to the subject office building, creche (to be replaced with 12 surface spaces) and the rugby club spaces.

- Carparking should be revised to provide 1 space per unit, i.e 108 spaces for 108 apartments.

EHO, Refuse & Scheme Management, and Construction Details.

- Refer to the internal department recommendations.

Part V

- Details relating to Part V are unclear and need to be clarified. Correspondence submitted refers to 36 units for a scheme of 114 units.
- No report from Housing Section on file.

Taking in Charge

- No part of the development appears to be proposed to be TIC.

Environmental Impact Assessment/Appropriate Assessment/Ecology

- An EclA and NIS are submitted
- ABP is the Competent Authority for AA and EIA.

Other

The report also includes commentary on third party Observations and submissions received from Prescribed Bodies.

Conclusion

It is considered by the planning authority and the overall question of the proposals' size/height/layout and the land use zoning etc. that the proposed tenure, as whether stated for 'Senior Living' tenants or not – is not fundamental in this instance, with regard to consideration and evaluation of the main subject issues on the site e.g regarding to consideration and evaluation of the main subject issues on the site e.g regarding its (Employment) zoning – versus intended (residential) new use type, its size and layout, and size/layout/other impact relationship to its surroundings and other properties (residential, creche, rugby club) – and otherwise notwithstanding the related Applicant's proposal's stated 'Senior Living' justifications for parking, density and building/site layout, and interiors services/rooms provided etc.

The plans and particulars lodged with the application include in its description to be for 'Senior Living' - and noting that the applicants have also submitted a draft Section 47 agreement document – that includes the description '[Build to Rent]' '[Senior Living]' apartments.

The issues expressed in the submissions received have been noted and have been taken into consideration in the assessment.

It is also noted that the NPF identified brownfield sites as playing a significant role in the delivery of housing. The planning authority in general welcomes the principle of the redevelopment of underutilised, vacant sites. However, in this instance, the planning authority considers that having regard to the 'E' zoning of the site, the height, massing, scale and form of the proposed development and combined with its close distances to surrounding boundaries and dwellings; it is considered that the proposed development would unduly impact on the residential and visual amenities of adjacent properties and front streetscape by reason of overshadowing and overbearing appearance, overly prominent and negative visual and character impacts on the streetscape.

It is considered in these terms, that the current residential development proposed would not provide for an acceptable improvement etc of the public realm, in regard to its relationship to adjoining sites in the vicinity and roadway.

Statement in Accordance with Section 8(3)(B)(II)

Having regard to the site's location on lands zoned Objective 'E' – 'to provide for economic development and employment', the suburban nature of the general area, the scale, height and massing of the proposed development and its close proximity to all of the surrounding boundaries, the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028, the National Planning Framework, the Regional Spatial Economic Strategies (RSES) for the Eastern and Midland Region (2019-2031), and Section 28 Guidelines for Planning Authorities on Urban Development and Building Heights (2018) and Sustainable Urban Housing Design Standards for Apartments (2020); it is considered that the proposed development fails to accord with the above policy documents and the proper planning and sustainable development of the area and the planning authority recommends that permission be refused for the following reason(s) below:

1. Having regard to the 'E' zoning objective at this site and to Section 6.4.2.1.4 Policy Objective E15:Securing Economic Growth, of the Dun Laoghaire Rathdown County Development Plan 2022-2028, it is considered that the proposed development and resultant proposed change of use, removing an existing purpose built office building, and exclusively employment/commercial building/site use, into predominately residential use, would represent an inappropriate use at this site in an established employment location/site, would be injurious to the employment purpose of the site, and would be contrary to the zoning objective at this location to provide for economic development and employment. The proposed development would contravene materially a development objective indicated in the 2022-2028 County Development Plan for the zoning of land for the use solely or primarily of particular areas for particular purposes and, would therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its height, bulk, scale, massing and layout in close proximity to the site boundaries, fails to have sufficient regard to its surrounding context and receiving environment, and would have a detrimental impact on the amenities, character and streetscape of the surrounding area. The proposal is considered to constitute overdevelopment of the site and is considered to be contrary to the Dun Laoghaire Rathdown County Development Plan 2022-2028, insofar as it will seriously injure the residential and visual amenities of properties located within its immediate vicinity, by reasons of being visually overbearing, visually incongruous and with overshadowing impacts. The proposed development is considered to be contrary to Policy Objective PHP20; Protection of Existing Residential Amenity, the Building Height Strategy of Dun Laoghaire Rathdown County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the 'E' zoning objective of the site and the position of the subject site to existing public transport routes, the development proposed does not accord with the provisions of Policy Objective PHP28: Build to Rent Accommodation of the Dun Laoghaire Rathdown County Development Plan 2022-2028, under which BTR development is required to be located within a 10 minute walking time of high frequency public transport routes. The development of BTR development at the subject site would therefore be inconsistent with the provision of the Dun Laoghaire Rathdown County Development Plan 2022-2028. Furthermore, the development of BTR development at the subject site would, if permitted, set an undesirable precedent for similar development. The development proposed would thus be contrary to the proper planning and sustainable development of the area.

Having regard to the foregoing, and to the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) Section 8(5)(b)(iii)(II), the planning authority considers that it would not be appropriate in the circumstances to specify planning conditions, given the material contravention of the 'E' land use zoning objective for the site and having regard to policy E15 where it is the Policy Objective to ensure that employment zoned land facilitates its primary objective which is to provide for economic development and employment.

8.4 Inter Departmental Reports

Drainage Planning – No objection subject to conditions.

Transportation Planning – Car Parking provision was raised as a concern and it was recommended that a condition be attached requiring 1 parking space per unit. Other issues highlighted in relation to access, cycle parking, construction traffic etc. All of which it was considered could be addressed by condition.

Environmental Health Officer- Noted the absence of detailed Environmental Management. Outstanding matters could be addressed by condition.

9.0 Prescribed Bodies

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was informed at Pre-Application Consultation stage that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016: Irish Water and the relevant Childcare Committee.

The following Prescribed Bodies have made a submission on the application:

Irish Water:

Irish Water made the following observations:

Water: Feasible subject to local network upgrades. In order to accommodate the proposed connection to Irish Water network at the premises the following works are required: • Connection main – Approx. 25m of new 150mm ID pipe main to be laid to connect the site development to the existing 6" uPVC. • Upgrade main – Approx. 15m of new 200mm ID pipe main to replace the existing 6" uPVC. The applicant will be required to fund these works as part of a connection agreement.

Wastewater: Feasible subject to local network extension. In order to accommodate the proposed connection to Irish Water network at the Premises a local network extension from the 225 mm sewer on Stradbroke Road to the proposed development site is required. The applicant will be required to fund this extension which is expected to be within the public domain as part of a connection agreement.

Recommended conditions are included.

10.0 Oral Hearing Request

Three Observer submissions included a request for an Oral Hearing, details are summarised in section 7.

Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

Having regard to the nature, scale and location of the proposed development, the particular issues raised in the submissions do not give rise to a compelling case for an oral hearing as set out in section 18 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended.

11.0 Planning Assessment

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory Development Plan and has full regard to the Chief Executive's report, third party observations and submission by Prescribed Bodies.

As highlighted in section 6 of this report, the Apartment Guidelines were updated in December 2022, subsequent to the lodgement of the subject application. The updated Guidelines do not include Specific Planning Policy Requirements (SPPRs) 7 and 8, which relate to BTR development. The amended Guidelines came into effect on 22nd December 2022. Transitional arrangements are set out in Circular Letter NRUP 07/2022, which states:

All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that are subject to consideration within the planning system on or before 21st December 2022 will be considered and decided in accordance with the current version of the Apartment Guidelines, that include SPPRs 7 and 8.

My assessment is therefore based on the 2020 Apartment Guidelines.

The assessment considers and addresses the issues set out below.

11.1 Principle of Development, quantum and mix of Development

11.1.1 Context

A common thread across submissions received relate to the principle of the development on this site, in particular the proposal for Build to Rent (Elderly Living) apartments at this location and the suitability of this type of tenure for the area.

The development is for BTR apartments, the occupancy of which has been identified by the applicant in the public notices and in the documentation submitted to be for 'Elderly Living' for which there is no definition in planning legislation. There is no policy that would justify restricting the occupancy of said residential units on the grounds of age. There are policies for assisted living accommodation/retirement homes (which the proposed development is not) within the Plan. Furthermore issues could be raised under the Equality Act in relation to age discrimination. The applications for BTR apartments and as such my assessment is on this premise.

Previous use on the site was an office block which is currently vacant and the Blackrock College rugby club car park which is in use. There is a creche on site in the applicant's ownership but not included within the application site boundaries and the clubhouse associated with the rugby club is also within the current confines of the wider site as it presently exits site but not within the application site boundaries as outlined in red. The applicant appears to have acquired the carpark off the Rugby club and at present there are no defined boundaries marked out.

11.1.2 Land Use Zoning

The site is located on lands zoned under land use zoning objectives 'E' Enterprise and Employment with an objective '*to provide for economic development and employment*'

The applicant has submitted a legal opinion with the application relating to compliance with the land use zoning objective contained in the Dun Laoghaire Rathdown County Development Plan and Policy Objective E15. I have noted and considered the opinion submitted.

Table 13.1.13 notes that Residential is a 'open for consideration under this land use zoning objective subject to note 'b' which states "*in accordance with policy objective E15 Securing Economic Growth*". Policy Objective E15 sets out that the Council shall apply a restrictive approach to residential development on employment zoned lands. the principle of the proposed predominantly residential development is therefore not acceptable in principle on the subject lands as the proposed development of 108 BTR units (regardless of the proposed tenure) is the predominant lands use and has a tokenistic c.175sq.m office (Innovation Hub for Elder Care) of employment use proposed as I do not consider the BTR element to constitute employment use. Indeed the applicant has argued it is residential for the purposes of SHD.

The proposed development involves a material change in the established use of the land that has to be in accordance with the proper planning and sustainable development of the area for a grant of permission to be considered. The development plan's zoning of the site under objective E establishes enterprise and employment as the primary use on the site and that it should remain in such use unless it is demonstrated that the proposal complies with the requirements set out in table 13.1.13 subject to note 'b' and compliance with policy objective E15 are shown to apply.

In this instance the proposed residential development on this site does not comply with the requirements set out in table 13.1.13 and policy objective E15, therefore contravenes the requirements of the land use zoning objective and would be a material contravention of the E zoning of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and therefore I am recommending that planning permission be refused on these grounds.

Notwithstanding the above conclusion, I propose to consider the development as whole in my assessment in order to provide as complete an assessment as possible.

11.1.3 Density

A common themes throughout observer submissions and raised by elected representatives relate to concerns regarding the density and scale of the development given the size of the site, noting the level of development permitted and built in the area to date.

The proposal is for 108 BTR apartments on a site with a stated area of c 0.4813 hectares therefore a density of c.225 units per hectare is proposed. Observers have raised concerns that the proposed density is too high and the proposal constitutes overdevelopment of the site

The submitted CE Report noted that the density proposed is very high and highlighted that the site is on lands zoned 'E' for employment related development.

Section 12.3.3.2 current Dun Laoghaire Rathdown County Development Plan states that in general the number of dwellings to be provided on a site is determined with reference to the SRDUA 2009 and the 2020 Apartment Guidelines. It sets out that as a general principle, and on the grounds of sustainability, the objective is to optimise the density of development in response to type of site, location and accessibility to public transport. Policy Objective PHP18 of the current County Development Plan seeks to maximise the use of zoned and serviced residential lands, and that consolidation through sustainable higher densities allows for a more compact urban growth that in turn readily supports an integrated public transport system.

Policy at national, regional and local level seeks to encourage higher densities in key locations. It is Government and regional policy to increase compact growth within specified areas and increase residential density. The RSES requires that all future development within the metropolitan area be planned in a manner that facilitates sustainable transport patterns and is focused on increasing modal share of active and public transport modes.

The Guidelines on Sustainable Residential Development in Urban Areas (SRDUA) states that for sites located within a public transport corridor, it is recognised that to maximise the return on this investment, it is important that land use planning underpins the efficiency of public transport services by sustainable settlement patterns, including higher densities. The guidelines state that minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, ie within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station. The application site is not one such location. It is located c 1.6.km from the nearest DART station at Salthill/Monkstown and c.1.7km from the centre of Blackrock. The closest bus stops is c420m on Monkstown Avenue and c.500m to the southwest on Stradbroke Road which have not been demonstrated to be high frequency services. Furthermore with regard to infill residential development, it is detailed that a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

The Urban Development and Building Height Guidelines (2018) state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels. The guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities.

The Sustainable Urban Housing Design Standards for New Apartment Guidelines (2020) note that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a longterm move towards smaller average household size, an ageing and more diverse population, with greater labour mobility, and a higher proportion of households in the rented sector. The guidelines address in detail suitable locations for increased densities by defining the types of location in cities and towns that may be suitable, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations. The site is in an established suburban area, close to local services and with a moderate level of public transport provision based on bus services that run along a road without much priority for them. And I would therefore regard it as an intermediate urban location.

While I acknowledge that the delivery of residential development on underutilised, serviced sites, in a compact form comprising higher density units would be consistent with policies and intended outcomes of current Government policy, specifically the NPF, which looks to secure more compact and sustainable urban development with at least half of new homes within Ireland's cities to be provided within the existing urban envelope (Objective 3b). However, as noted in section 11.1 the site is not zoned residential and while I acknowledge that residential is 'open for consideration' subject to caveat. It is intended under the current Dun Laoghaire Rathdown County Development Plan to restrict residential development on lands zoned 'E' and as such is not suitable for a development which is predominantly residential with a tokenistic employment use proposed, in my opinion. I am of the view that a density of 225 uph would be excessive given the context of the site and its location.

11.1.4 Unit Mix

The Dun Laoghaire Rathdown County Development plan 2022-2028 Policy Objective PHP27 sets out that a variety of housing types and tenures is required across the county in accordance with the HNDA (Housing Need Demand Assessment) prepared for the county. Under section 12.3.3.1 the Plan sets out that proposal for more than 50 residential units either individually or cumulatively with lands in the neighbourhood will be required to provide a variety of house and units in terms of type and size to meet the household needs of the county. requires that the unit typologies proposed provide a sufficient unit mix which addresses wider demographic and household formation trends. SPPR8 of the 2020 Apartment Guidelines sets out that BTR proposals do not need to provide a minimum unit mix.

The development includes c.77% 1 bed and c.23% 2 bed apartments. I am of the view proposed unit mix for the overall development is acceptable given the BTR nature of the development (regardless of age profile etc of intended occupants which is beyond the scope of this report and any such condition restricting the age profile of tenants would be ultra vires in my opinion. Notwithstanding that I am of the view that the proposed housing mix which offers a good variety within the development and contributes to the housing mix in the general area. The absence of 3 bed units is noted and in this regard the proposed development is not in line with the requirements of the Dun Laoghaire Rathdown County Development Plan 2022-2028.

I note that the development is for BTR type apartments and as such SPPR8 of the Apartment Guidelines apply. This matter has been addressed in the Material Contravention Statement submitted with the application. The report has stated that it is considered that the proposed development generally accords with the provision of the County Development Plan. Having regard to SPPR8 the unit mix is acceptable. I address the issue of tenure below.

11.1.5 Tenure

The public notices refer to the scheme that includes 108 no. 'Build-to-Rent Elderly Living' apartments and a draft deed of covenant indicates that the applicant is willing to accept a condition requiring that the BTR residential units remain in use as BTR Elderly Living accommodation, that no individual residential unit within the development be disposed of to any third party for a period of 15 years only from the date of grant of permission. I have set out my opinion in relation to the 'Elderly Living' aspect in section 11.1 and I do not propose to revisit it here.

Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 provides guidance on Build-to-Rent (BRT). The guidelines define BTR as "purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord". These schemes have specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity. The Guidelines also specify that no individual residential units may be sold or rented separately, during that period.

The planning authority's third recommended reason for refusal is on the grounds that having regard to the 'E' zoning objective of the site and the position of the subject site to existing public transport routes, the development proposed does not accord with the provisions of Policy Objective PHP28: Build to Rent Accommodation of the Dun Laoghaire Rathdown County Development Plan 2022-2028, under which BTR development is required to be located within a 10 minute walking time of high frequency public transport routes. The development of BTR development at the subject site would therefore be inconsistent with the provision of the Dun Laoghaire Rathdown County Development Plan 2022-2028. And that the development of BTR development at the subject site would, if permitted, set an undesirable precedent for similar development.

I have considered the concerns raised in the submissions received and I am of the opinion that BTR apartments are acceptable at appropriate locations as they provide a viable housing solution to households where home-ownership may not be a priority and in an area where the main housing provision is predominantly traditional family type two storey dwellings. BTR developments provides a greater choice for people in the rental sector, one of the pillars of Housing for All. I have addressed my views on the proposed 'Elderly Living' restrictions above. I note the case by the planning authority with regard to compliance with PHP28. On balance and based on the information submitted I am not satisfied that the applicant has clearly demonstrated that a Built to Rent scheme at this location complies with policy objective PHP28 of the current County Development Plan.

11.2 Design, Height & Materials:

Third parties and elected representatives have raised concerns in relation to suitability of the height, scale and massing of the development. It is contended that the submitted height does not respect the existing built environment. It is submitted that the proposed development breaches the height guidelines in the Dun Laoghaire Rathdown County Development Plan and is a material contravention of same.

Observer submissions also raise concerns with regards the impacts of the proposal on the visual amenity of the area and that it is out of character with the existing built environment. These concerns are interlinked with concerns regarding height, scale and massing of the proposal. There is a general consensus amongst third party observers that the proposal would negatively impact on the visual amenity of the area. The planning authority have also raised concerns in this regard.

The proposed development comprises two blocks ranging in height from 3 to 7 storeys (block A has height up to 7 storeys and Block B up to 4). The predominantly existing residential built character of the general area is 2 storeys in height, however the site is surrounded by a mix of uses (office/recreational and residential) with heights ranging from 1 to 2 ½ storeys.

The proposed apartment block with a maximum height of 7 storeys is a departure from the existing visual character of the immediate area, and I note third party concerns in relation to this and I concur that proposed height is excessive given the limited set back from the site boundaries and other uses. Furthermore the transition in heights in an attempt to address the adjoining two storeys houses in Windsor Park where back garden bound the application site in particular is not sufficient to facilitate an acceptable transition.

The application site is located in a 'suburban residual areas' and as such Policy Objective BHS3 - Building Height in Residual Suburban Areas applies to the application site. This seeks to promote general heights of 3 to 4 storeys, coupled with appropriate density in what are termed residential suburban areas of the County provided that proposals ensure a balance between the reasonable protection of existing residential amenity and the established character of the area. And that 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.

Given the wording of policy objective BHS3 I do not consider that the proposed height of up to 7 storeys is a material contravention of the provisions of the Dun Laoghaire Rathdown County Council Development Plan 2022-2028. However, I do not consider that height of 7 storeys is suitable of the application site. I am of the view that the site could accommodate up to potential 5 storeys if done in a sensitive manner by also reducing the proposed density, scale and overall massing of any development on this limited site. Overall the current proposal is in my opinion excessive for the site and its context and results in overdevelopment of the site.

The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. I note SPPR 4 in the guidelines in relation to greenfield or edge of city/town locations, which states that a greater mix of building height and typologies should be sought, and avoidance of mono-type building typologies. Paragraph 1.9 states that 'these guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at plan and management levels.'

The Urban Development and Building Height Guidelines provide clear criteria to be applied when assessing applications for increased height. The Guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. Having regard to the Urban Development and Building Heights Guidelines, 2018, I note that specific assessments were undertaken including CGIs and daylight/sunlight analysis. Applying section 3.2 of the Building Height Guidelines I consider the following:

At the scale of relevant city/town, while the proposal introduces new street frontage and utilises height to achieve the required densities it does not make a positive contribution to place making. However, I do not consider there to be sufficient variety in scale and massing to respond to the scale of adjoining developments. However I do not consider the proposed quantum of residential development and residential density acceptable in the context of the location of the site and its distance from centres of employment and public transport. Furthermore, as noted previously the site is on lands zoned 'E' with a focus on employment related uses

At the scale of district/neighbourhood/street, The proposed development would not interfere with significant views in the locality. The site is not located within an Architectural Conservation Area and there are no protected structures onsite. The development does not detract from the protected structures in the vicinity. I do not consider that the proposal responds satisfactorily to its built environment in this instance and fails to make a positive contribution to the neighbourhood at this location. I am of the opinion that the proposal cannot be accommodated on this site without detriment to the visual amenities of the area given the existing built environment in the immediate vicinity. The use of material and finishes to the elevations does not assist in breaking down the overall mass and scale of the proposed development. CGIs of the proposed development have been submitted with the application and have assisted in my assessment of the proposal. Overall, I do not consider the height appropriate for this location and I also have serious concerns relating the scale and massing of the proposed development which I address below.

At the scale of the site/building: The proposal includes active frontages and fenestration that will passively survey the public road. The addition of build to rent apartments will contribute to the unit mix and tenure at the location. Residential Amenities are addressed in section 11.4 and 11.5 Sunlight and daylight consideration are addressed in section 11.4.2 and 11.5.4 Flood Risk Assessment has been carried out and this is addressed in section 11.7.2.

Having regard to the considerations above, I consider that the proposal for a for 3 to 7 storey buildings at this location is not acceptable in terms of height. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I do not consider this to be one such site. The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development and recognises that a more compact urban form, facilitated through well designed higher density development is required. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations and suburban and wider town locations. Overall, I am of the view that having regard local and national guidance, the context of the site the proposed height is not acceptable. Furthermore in terms of the cumulative impact of the proposed height, scale and massing I am of the view that the proposed development does not satisfy the criteria described in section 3.2 of the Building Height Guidelines in particular when assessed at the scale of district/neighbourhood/street.

I am of the view that Policy Objective BHS3 - Building Height in Residual Suburban Areas applies to the application site. This seeks to promote general heights of 3 to 4 storeys, coupled with appropriate density in what are termed residential suburban areas of the County provided that proposals ensure a balance between the reasonable protection of existing residential amenity and the established character of the area. And that 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.

The planning authority does not consider the proposal presents a material contravention of the operative County Development Plan in relation to height. I would concur as BHS3 gives scope for building over 4 storeys in residual suburban areas, which I consider the application site to be, and in this regard I do not consider that the proposed height materially contravenes BHS3.

Having regard to all of the above, I am not satisfied in this instance that the applicant has complied with the requirements of section 3.2 of the Building Height Guidelines.

A reoccurring theme raised in the observer submissions highlights concerns that the proposed development is overbearing and would have a significant adverse impact of the visual amenities of the area. I have inspected the site and surrounding area and I agree with observers that the blocks will be visible to residents in the vicinity. The closest dwellings (no. 1-8 Windsor Park) have their rear gardens bounding the site to the south/southeast and No. 1 Oranmore.

The issues of height, form, bulk of the proposal are inter-related and in effect relate to the overall scale and massing of a proposal. It is the sum of all these parts that, amongst other assessments, determines the appropriateness or otherwise of the development before the Board. I am of the view that the overall height, scale and massing combine to create an incongruous development that is overbearing and visually dominant due to its inappropriate scale and massing when viewed from the adjoining residential properties.

It is my opinion that the blocks, would be excessively visually dominant on the skyline at this location, given their height, scale, massing and siting; would be overbearing when viewed from neighbouring lands and while attempts at transitioning of heights have been made, they do not go far enough to form an appropriate form of development at this location. I consider that the proposal is not in compliance with Criteria 1 'Context' of the Urban Design Manual. I also consider that having regard to the Urban Development and Building Height Guidelines, 2018, at the scale of the site/building, the form, massing and scale of the proposed development is not carefully modulated in this instance. I am of the opinion that the proposed development would appear unduly dominant, overbearing and monotonous when viewed adjacent properties, in particular those bounding the site to the south and would significantly detract from the visual amenities of the area. Having regard to the Urban Development and Building Heights Guidelines, 2018, I consider that at the scale of district/neighbourhood/street, the proposal does not respond satisfactorily to its overall natural and built environment and in this instance, given its dominance and overbearing impact does not make a positive contribution to the urban neighbourhood at this location. There is no doubt any development of this site will bring a change to the character and context of the area, I am of the view that this will be not be a positive change. I do not consider the proposal to be in compliance with policy objective BHS3 or satisfies criteria set out in table 5.1 contained in Appendix 5 Building Height Strategy of the Dun Laoghaire Rathdown Development Plan and should be refused permission accordingly.

11.3 Open Space

Section 12.8.3.1 of Development Plan sets out a minimum standard of 15% of the site area in new residential developments be reserved for public open space. No open space is proposed and this is addressed in the Material Contravention Statement submitted with the application. Concerns have been raised by observers that the applicant is relying on parks in the area which are not for public use. Furthermore concerns regarding the lack of amenities for future occupiers has been raised. Section 12.3.6 which refers to Build to Rent Accommodation allows for derogations in standards including carparking, unit mix and open space. I refer the Board again to section 4.3.2 which sets out criteria for suitable locations for BTR accommodation in the county which I have addressed in section 11.1.5 of this report.

With regard to shortfalls in public open space or no public open space in developments I note Policy Objective PHO18 of the current County Development Plan seeks to promote compact urban growth and the consolidation and re-intensification of infill/brownfield sites and to encourage higher densities provided proposal of high quality design and ensure a balance between protection of existing amenities and character of the area with the need to provide for high quality sustainable residential development.

I note also that Table 12.7 of the Development Plan sets out that in all instances where public open space is not provided a contribution under section 48 will be required for the shortfall. Given the site context in close proximity to the public amenity spaces, the lack of public open space proposed on site and the Development Plan provisions, I am satisfied that a contribution in lieu of the shortfall in public open space would be reasonable as a condition in the event of a grant of permission and the proposed open space provision would not contravene the policies of the Development Plan if the site was considered suitable for residential development.—A Material Contravention statement regarding open space provision contained in the Dublin City Development Plan 2016-2022 was submitted. I do not consider it a material contravention of the current County Development Plan in this regard.

I address provision and quality of communal and private open space in section 10.3 below.

11.4 Residential Amenity and Quality of proposed development

11.4.1 Overlooking

I am of the view that for the most part the proposed layout provides for adequate separation distances. I recognise that there are pinch points where separation distances are not optimal. I do however consider that given the limited instances where this arises that this matter could be addressed by appropriate screening and mitigation measures, such as vertical louvre/angles fins etc to balconies and windows, which are commonly used in urban areas to address potential overlooking while also protecting the amenity value of the balconies and rooms they serve.

11.4.2 Daylight, Sunlight and Overshadowing

The criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with guides 'like' the 2011 BRE 'Site Layout Planning for Daylight and Sunlight', with measures to be taken to reduce overshadowing in the development. The Apartment Guidelines state that levels of natural light in new apartment developments is an important planning consideration and regard should be had to guides 'like' A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), which succeed the 2011 BRE standards. Where an applicant cannot fully meet all of the requirements of daylight provision set out in the BRE guidelines, compensatory design solutions should be set out. Section 12.3.4.2 of the Development Plan also states that all new residential units should comply with the 2011 BRE Guidelines and/or updated or subsequent guidance. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. Paragraph 1.6 of the BRE guidelines state that the advice it contains should not be used as an instrument of planning policy.

The Daylight and Sunlight Report submitted with the application considers inter alia potential daylight provision within the proposed scheme and overshadowing within the scheme. The assessment refers to Spatial Daylight Autonomy (SDA) a climate based means of assessing natural light performance accounting for both direct (sunlit) and diffuse light as set out in the new BRE BR 209 (2022 edition). The applicant's report also reference the National Annex f contained in the 2018 BS for daylight provision for the UK and Channel Islands and notes that there is no equivalent 2018 Irish Standard, therefore references are to the UK standard. I note the proposed use, location and context and the proposed compensatory measures (winter gardens and sunlight exposure) would be acceptable in my opinion.

As both the Building Height Guidelines and Apartment Guidelines reference guides 'like' the respective BRE versions they reference, I am satisfied that the data and methodology presented in the applicant's submitted report is sufficient for the purposes of my assessment.

Test 1 – Spatial Daylight Autonomy in Proposed Units: which is a test applied to all rooms within residential units and the applicant has applied the tests in accordance with BRE 209 and IS EN 17037. The tests assess the amount of daylight received by the relevant rooms in the tested units.

In the case of BRE 209, the target LUX values are:

- 200 lux for kitchens.
- 150 lux for living rooms.
- 100 lux for bedrooms.

The test considers the % area that is above the target LUX and which should be above 50%

The test for IS EN 17037 considers that at least 50% of the working plane should receive above 300 lux for at least half the daylight hours, with 95% of the working plane receiving above 100 Lux. I.S. EN 17037.

Compliance with BRE 209 is better than that for IS EN 17037. Demonstration of compliance with the 300 LUX is far more difficult to achieve than with the 100 LUX requirement. This may only be possible with south and west facing aspects or dual aspect units.

The submitted report sets out that the proposed development 98% of the rooms achieved prescribed 50% SDA targets for shared KLD or bedrooms (4 one bed units failed (A105, A205, A305 & A405). The report also includes an ADF assessment in Appendix A which have been superseded by SDA or Median Daylight Factor in the 2022 guidance. Compensatory measures are based on the SDA metrics and include extra large winter gardens, sunlight exposure (min. 1.5 hours)

The applicant concludes their assessment by stating habitable rooms meet or exceed their SDA target values. And 91% meeting or exceeding the minimum exposure to sunlight targets. I am of the view that the number of units that achieve lower standards are relatively small in the context of the scale of this development. Adequate compensatory measures are proposed in the form of winter gardens and sun exposure which I consider acceptable.

The CE Report raised no issues of concerns with the proposed development and access to daylight and sunlight

In addition the proposed development is also required to meet minimum levels of sunlight within amenity spaces.

Test 2– Sun on Ground in Proposed Outdoor Amenity Areas: The availability of sunlight should be checked for all open spaces where sunlight is required for its proper function as an amenity space. The BRE guide recommends that, for an open space to appear adequately lit throughout the year, at least 50% of its area should receive at least two hours of sunlight on the 21st of March.

To this end, an analysis of the sunlight exposure levels for the amenity areas in the proposed scheme was carried out and submitted. This analysis indicated that the proposed of the amenity areas met or exceeded the minimum 2 hours of sunlight recommended. Based on the assessment submitted and having regard to the referenced guidance (requiring a minimum of 50% of the amenity space to achieve 2 hours of sunlight on the 21st March), I am satisfied that the proposed amenity areas will meet sunlight targets.

Conclusion

I consider that adequate allowance has been made in the proposed design for daylight and sunlight through adequate separation between the units, relevant to the scale of the development. As such, I am content that daylight and sunlight conditions for the residential units within the proposed development will be within an acceptable range. I am satisfied that considerations of daylight and sunlight have informed the proposed layout design in terms of separation distances, scale and dual aspect of units. I have also carried out my own assessment in accordance with the considerations outlined in the BRE guidelines. I consider the development to be in accordance with the BRE guidelines.

I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the BRE 'Site Layout Planning for Daylight and Sunlight' (209). I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors are in my opinion acceptable and would result in an acceptable level of residential amenity for future occupants in terms of access of daylight and sunlight within the proposed units. Those units that do not achieve the relevant target benefit from compensatory factors such as winter gardens and sunlight exposure which is acceptable.

11.4.3 Residential Standards for future occupiers

The development is for BTR apartments as such the Sustainable Housing: Design Standards for New Apartments 2020 has a bearing on the design and minimum floor areas associated with the apartments. In this context the Guidelines set out Special Planning Policy Requirements (SPPRs) that must be complied with where relevant. SPPR 7 and SPPR8 refer specifically to BTR developments.

It is stated that 52% of the units are designed to be dual aspect, SPPR 4 requires that a minimum of 50% dual aspect apartments are required in urban areas. Given the suburban context and location of the site, I consider the level of dual aspect provided acceptable.

A schedule of compliance with the Apartment Guidelines accompanied the application confirming required apartment sizes, which I note and consider reasonable. SPPR 8 removes restrictions, for BTR proposals, on housing mix and provides lower standards for parking, private amenity space, 10% exceedance for spaces and lower units per core, although I note the proposed scheme complies with the standards.

The proposed apartments have been designed to comply with the 2020 Sustainable Urban House: Design Standards for New Apartments. I note the proposed scheme complies with the standards.

SPPR 7 sets out that BTR must also be accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as: (i) Resident Support Facilities; (ii) Resident Services and Amenities.

The internal communal amenities/shared facilities (c.521 sq.m) are provided. These include a reception hub, parcel room, multi-purpose / screening area, laundry room, meeting rooms, bookable function rooms, work/study room, coffee facilities, games room, a gym / fitness room. Concerns have been raised regarding the level of amenities given the nature of tenure proposed by the applicant. In terms of the level of amenities for a BTR development I consider them acceptable. I consider the level of amenities/facilities and their distribution throughout the blocks acceptable.

An Integrated Retirement Community Management Strategy Report is submitted with the application. This report states that the development will be run by a Management Company to manage the estate and common areas of the development and sets out a structure to ensure the scheme is maintained to a high level.

Private amenity spaces are provided in the form of balconies and terraces. Given the limited setback from the site boundaries I have concerns regarding the level of residential amenity these units will offer given their limited outlook which result in a poor environment for future residents for the occupiers of units on the ground and first floors in particular.

Table 12.9 of the current County Development Plan sets out requirements for communal open space, based on this c. 590sq.m are required for the 108 units (83 no. 1 bed at 5sq.m and 25 no. 2 bed at 7 sq.m). The current proposal includes communal open space are proposed in the form of roof terraces at 3rd floor (c.42sq.m), 4th floor c.119sq.m and 6th floor c.154 and c.131 sq.m (total rooftop equates to c.450sq.m) with screening proposed to reduce the perception of overlooking and shelter areas. Along with hard and soft landscaped external communal amenity spaces are proposed at ground level, c.880sq.m located between the front the front main block and rear, east and rear block. This results in an area that is enclosed on three sides and with a south orientation.

The communal open spaces are distributed throughout the site and provided for each Block as set out above. I consider these to be suitable and smaller parcels of communal space distributed across the site is acceptable subject to acceptable daylight/sunlight etc being achieved. The Landscape report sets out the proposed hierarchy with amenity areas of varying function distributed throughout the development and overlooked by residential buildings.

I am satisfied that there is a clear definition between communal and private spaces is provided by the incorporation of landscaping to define the various spaces. Access to the basement car park is an internal access road that also links to the adjoining rugby Club (and separate application currently lodged with DLRCC as mentioned previously). I note that cyclist will use the shared access lane/surface to access the allocated parking and there is potential conflict between vehicles, cyclists and pedestrians but this can be managed in an appropriate manner. I address the issue of daylight/sunlight for amenity spaces in section 11.4.2 of this report.

11.5 Residential Amenity of neighbouring properties

11.5.1 Context

Observers and Elected Representatives raised concerns in relation to the impact on surrounding residential amenity. Potential impacts on residential amenity relate to overbearance, overlooking and overshadowing, nuisance arising during construction phases and potential devaluation of adjoining properties. Issues or potential impacts as a result of traffic or physical infrastructure are dealt with under separate specific headings dealing with these issues. This section considers overbearance, overlooking and overshadowing/access to daylight/sunlight, impacts arising from construction and operational phases and potential devaluation of adjoining properties

The Chief Executive report has raised serious concerns regarding the separation distances achieved between the blocks and to the boundaries of the site and considered that the proposal would have a negative impact on adjoining residential amenity. The planning authority's second recommended reason for refusal sets out that the proposed development by reason of its height, bulk, scale, massing and layout in close proximity to the site boundaries, fails to have sufficient regard to its surrounding context and receiving environment, and would have a detrimental impact on the amenities, character and streetscape of the surrounding area. The proposal is considered to constitute overdevelopment of the site and is considered to be contrary to the Dun Laoghaire Rathdown County Development Plan 2022-2028, insofar as it will seriously injure the residential and visual amenities of properties located within its immediate vicinity, by reasons of being visually overbearing, visually incongruous and with overshadowing impacts. The proposed development is considered to be contrary to Policy Objective PHP20; Protection of Existing Residential Amenity, the Building Height Strategy of Dun Laoghaire Rathdown County Development Plan 2022-2028.

A portion of the sites southern boundary is immediately adjacent to the rear gardens of an existing detached two storey house 'Oranmore' (observer) that fronts directly onto Stradbroke Road and rear gardens of no. 1-8 Windsor Park houses. The northern boundary is not defined and bounds the creche which is in the applicant's ownership with Wynberg park houses to the north of the creche. To the east is the single storey clubhouse serving Blackrock College RFC and Stradbroke Road forms the western boundary with Rockford Manor and gate lodge facing the site on the opposite side of the Road. The site and Rockford Manor are bounded by high stone walls and enclosed by high stone walls along their road frontage.

I am satisfied that the proposed development will not have a detrimental impact on properties (Rockford Manor and gate lodge) on the western side of Stradbroke Road in terms of overlooking. Houses in Wynberg Park and separated from the site by the existing creche block and are sufficient removed that I do not consider that the proposal would have such a negative impact on their amenities to warrant a refusal on the grounds.

The closest sensitive receptors are the residential properties located to the south where a number of the observers reside which I address in more detail below,

11.5.2 Overbearing Impact

With regard to potential overbearing impact the residential units closest to the shared boundaries with the observers properties is the portion the block which addresses Stradbroke Road, this is 3 no. storeys in height and set back between c. 3.2m and c.5m from the boundary, it then rises to 7 storeys as one moves northwards. The central 4 storey section is set back c. 17.3m and the 3 storey portion (rear) set back c.1.3m. Notwithstanding that the applicant has staggered the height of the proposed block in an attempt to address a transition with the houses to the south Having regard to the separation distances and the cumulative difference in height between the proposed apartment block and the dwellings it is my view that the proposed development would have an overbearing impact on the adjacent properties to the south when viewed from them.

The Chief Executive report raised concerns that the scale and overall layout of the development proposed is not considered to be site specific enough at the location and having regard to its proximity to surrounding built form, in particular the residential properties adjacent to the site.

11.5.3 Overlooking

I note that the rear elevations of the closest houses (Oranmore and houses in Windsor Park) have setbacks of c29m. I note that the eastern and western sections of the proposed development have predominantly black gables facing these houses with the windows proposed are secondary ones with opaque glass and serving LKD areas. The central portion which has balconies are set back c.45m from the rear facades and c. 17.3m from the boundary with the private amenity spaces of 1-8 Windsor Park. Overlooking of internal spaces/rooms does not arise. Overlooking of private amenity space occurs. A degree of overlooking of private amenity space is to be expected in urban areas where lands are zoned residential, this is not the case there.

There is limited setback (c.3.2m) provided between the south eastern section of the proposed block (3 storeys) and the gable of 'Oranmore' and a portion of its front amenity space which is its main amenity area.

11.5.4 Daylight, Sunlight and Overshadowing

11.5.4.1 Context

Criteria under section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice (2nd edition)' and ask that '*appropriate and reasonable regard*' is had to the BRE guidelines. I also note reference to British Standard (BS) 8206-2:2008 'Lighting for buildings - Code of practice for daylighting', which has subsequently been withdrawn and replaced by BS EN 17031:2018 'Daylight in buildings'. While the Building Height Guidelines refer to the 2nd edition BRE guidance, I note that a more recent edition ref. BR 209 2022 was published last year, however this has not altered the methodology for the assessment of neighbouring occupiers' daylight, sunlight and overshadowing, and my assessment will refer to the most recent guidelines published in 2022 (3rd edition). These standards have therefore informed my assessment of potential daylight and sunlight impact as a result of the proposed development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory.

I am satisfied that there is adequate information in the submitted, Daylight & Sunlight Report to assess the impact of the proposed development.

A common thread raised by observers relates to the impact of the proposed development on the residential amenities of adjoining properties.

The planning authority raised no concerns in relating to access to sunlight/daylight from any of the residential properties within the immediately vicinity of the application site. The planning authority concerns related to overshadowing of private amenity space of houses along Windsor Park to the south.

11.5.4.2 Daylight

The BRE Guidelines set out that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply. Where the assessment has not provided an assessment of all sensitive receptors, I am satisfied that there is adequate information available on the file to enable me to carry out a robust assessment. To this end, I have used the Guidance documents to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical.

The site is a brownfield site with a two storey office block and surface car parking. Also within the larger confines of the site but outside the application site as outlined in red in the documentation submitted is a single storey clubhouse and a 2 storey childcare facility. The rear gardens of No 1-8 Windsor Park bound the site to the south. Blackrock College RFC bounds the site to the east, Stradbroke to the west with Rockford Manor 2/1 storey apartments on the western side of Stradbroke Road facing the site. The creche and cub house form part of the northern boundary with Wynberg Park to the north of them. The applicant's assessment has assessed potential impacts VSC values for a) 1-10 Windsor Park, b) Rockford Manor and c) Wynberg House

1-10 Windsor Park

Submissions have been received from owners/occupiers of these properties. 34 points were assessed for No. 1-10 Windsor Park These are located to the south of the application site, a number of which have been extended over the years.

No. 1 Windsor Park is also known as 'Oranmore', submissions have been received from owners/occupiers of this property. This dwelling immediately bounds the application site with a gable facing the proposed development. 2 points were assessed for 'Oranmore' which is located to the south of the application site. Both points assessed have values exceeding 27%, therefore comply with BER guidance.

Of the 21 point assessed for No. 1 to 10 Windsor Park, 7 have VSC values less than 27% but within 0.8 times its baseline value. Below is a summary of these points:

Address	Window No.	Baseline VSC	Proposed VSC	Ratio of proposed to baseline
No. 2	W3	25.3	22.4	0.89
No. 4	W7	27.8	22.6	0.82
No.5	W9	32.6	26.4	0.81
No.5	W10	24.9	20.0	0.80
No.6	W12	26.6	25.5	0.96
No.6	W13	24.0	20.2	0.85
No.7	W14	25.3	23.0	0.90

The BRE Guidelines requires development meets the required 27% or where < than 27% but >80% existing. The points above comply and are therefore acceptable.

Rockford Manor (opposite side of Stradbroke Road facing the site)

Submissions have been received from owners/occupiers of these apartments

9 points were assessed for 2 blocks opposite the application site. These are located to the on the western side of Stradbroke Road opposite the application site.

Of the 9 points assessment 4 have VSC values less than 27% but within 0.8 times its baseline value. Below is a summary of these points:

Block	Window No.	Baseline VSC	Proposed VSC	Ratio of proposed to baseline
1	W28	26.7	24.5	0.92
1	W29	27.0	26.2	0.97
2	W33	24.3	23.5	0.97
2	W34	23.6	23.7	1.01

The BRE Guidelines requires development meets the required 27% or where < than 27% but >80% existing. The points above comply and are therefore acceptable.

Wynberg House:

The assessment identified and assessed for potential impacts on 4 windows on the southern elevation of Wynberg House located to the north of the site bounding the proposed carparking to serve the existing creche. All 9 points assessed have values exceeding 27%, therefore comply with BER guidance.

Conclusion

Given the context of the site some impact to the VSC values of surrounding buildings is to be expected for any substantial development in such an area due to these buildings' relative heights, proximity to the site and the nature of the structures on site at present. Where values are less than 27% they are within 0.8 times the baseline figure, therefore meet the BRE guidelines which is acceptable and meet BRE targets.

I am satisfied that the proposed layout has had regard to the adjoining sensitive receptors and has been designed to mitigate potential impacts with regard to access to daylight of existing residential properties bounding and adjacent to the site.

As set out previously in my report I have concerns regarding the siting of the blocks and their scale and massing in terms of visual dominance/overbearance. However, with regard to access to daylight. I am satisfied that adequate regard has been had to the potential impact on adjoining lands and properties. The proposed development is located to the north of the most sensitive receptors (1-10 Windsor Park) therefore will have limited impacts on these properties located to the south.

11.5.4.3 Overshadowing:

The assessment submitted with the application includes existing and proposed radiation maps. The BRE guidance recommends that at least 50% of the amenity areas should receive a minimum of two hours sunlight on 21st March (spring equinox). Shadow Diagrams for 21st March are also include in the assessment.

The planning authority has raised concerns regarding potential overshadowing in the summer evenings on properties to the south (Windsor Park). The BRE guidance refers to targets for the 21st March. The proposal complies with these targets and is therefore acceptable in this regard.

11.5.5 Potential Impacts during Construction Phase

Observers have raised concerns that the amenities of local residents would be impacted by noise, dust, traffic and potential structural damage during the construction phase of the proposed development.

A Stage 1 Construction & Demolition Waste Management Plan (CDWMP) submitted with the application deals with matters of waste management amongst other matters. As such, these plans are considered to assist in ensuring minimal disruption and appropriate construction practices for the duration of the project. I have no information before me to believe that the proposal will negatively impact on the health of adjoining residents.

The Stage 1 Construction Management Plan (CMP) addresses how it is proposed to manage impacts arising at the construction phase to ensure the construction is undertaken in a controlled and appropriately engineered manner to minimise intrusion. The CMP addresses construction traffic and management of same. Includes phasing for works, methodologies, and mitigation measures and address working hours, site security, dust, noise, visual impact and traffic, etc .

I have examined the CMP and CDWMP and I consider the proposal robust and reasonable. I note that the impacts associated with the demolition, construction works and construction traffic would be temporary and of a limited duration. I recommend that the applicant be required to submit and agree a final CMP and CDWMP with the Planning Authority prior to the commencement of development.

I note that observers raised the issue of damage to boundaries walls. With regard to the potential impact on adjoining boundary walls and structures I am satisfied having regard to the foregoing that this matter can be mitigated through the use of best practice and as noted above governed by the relevant regulations and certificates.

Excavations:

The proposed development includes the construction of a basement on the site. A Structural Statement has been submitted with the applications and has reviewed the basement retaining wall structure. Excavations will be required to accommodate the construction of foundations, basement walls etc. Where the perimeter of the basement is in close proximity to the site boundary line (south and south west corner of the site), a secant pile wall is proposed to retain the soil and allow for the excavation.

Along the southern boundary of the site there shall be a level difference of circa 1.2m between the proposed ground floor level of the development and the neighbouring garden levels (Windsor Park). In order to preserve the neighbouring boundary wall and levels, it is proposed that a reinforced concrete wall shall be constructed on the site. The applicant has outlined that in order to construct this wall, a temporary sheet pile or king post system shall be used to construct this new wall in order to not undermine the existing boundary and levels.

Observers have raised concerns that outstanding matters (for example dust) should not be addressed by condition as this may require further assessments. I am of the view that construction related matters can be adequately dealt with by means of condition as is standard practice. Conditions requiring final Construction Management Plan, Construction & Demolition Waste Management Plan and Method Statement for excavation works to be submitted and agreed with the Planning Authority prior to the commencement of any works would be standard.

Demolition works are addressed in the CDWMP, CMP and if permission was granted a detailed method Statement would be required.

11.5.6 Devaluation of adjoining properties.

Observers have raised concerns that the proposed development would result in the devaluation of adjoining residential properties. I have no information before me to believe that the proposal if permitted would lead to devaluation of property in the vicinity.

11.6 Traffic & Transportation

The application is accompanied by a Traffic Impact Assessment. The contents of which appear reasonable and robust. This describes that the surrounding road network has capacity to accommodate the predicted vehicular traffic generation from the proposed development.

I note that concerns regarding traffic transportation matters were raised by the Elected Members, as contained in the Chief Executive Opinion and observers in their submission. I also note that the crux of the concerns appear to relate to traffic associated with Blackrock College RFC and associated overflow which results in kerb site parking along adjoining residential streets.

11.6.1 Access

There is a current application under PA D22A/0847 for amendments to existing vehicular/pedestrian access arrangements onto Stradbroke Road to provide a new vehicular/pedestrian access to Stradbroke House and Somerset House, and the provision of an associated internal access road (and security gate) connecting to BCRFC, the reorganisation and provision of car parking on the site, to provide for 147 No. car parking spaces (including 12 no. car parking spaces for use by the existing childcare facility and 135 no. car parking spaces for use by BCRFC, the provision of 50 no. cycle parking spaces (including 2 no. cargo bike parking spaces). The development will also include all associated hard and soft landscaping (including boundary treatments) lighting and servicing and all associated works above and below ground. DLRC requested further information in December 2022 on a number of grounds including how the development links with/is independent of the current application before the Board (I note the Planning authority refer to the pre-application consultation reference number in their request in error).

The site boundaries for PA D22A/0847 include the access proposals outlined in red included with the current application.

Included as part of the current proposal is the closure of the existing access to the rugby club, close existing access to the creche and open a new vehicular entrance to the south of the existing creche access. An internal road is proposed, reviewed carparking arrangements and access to the basement carpark. There is a degree of overlap with PA D22A/0847 in terms of access off Stradbrook Road, a section of the internal access road and the Childcare facility parking.

At present access to the rugby club car park is possible from both entrances and vice versa. At the time of inspection I noted that all traffic associated with the rugby club (camp drop off) used the southern entrance to the site. This also serves 'Mint' a coffee dock currently on site and Blackrock RFC Clubhouse.

Observers have raised concern regarding congestion. Additional traffic movements. In the main the crux of the observers concerns appears to be associated with the traffic association with Blackrock College RFC and the overspill on to adjoining public roads which seems to occur in a regular basis. The use of the access by Blackrock College RFC is addressed by the applicant under PA Ref. D22A/0847 and is not included as part of the current application. The information I have to hand relate to the use of the proposed access by the proposed 108 BTR units and the innovation hub for Elder Care (ie a c175 sq.m) office. The access also serves the existing creche in Somerset House which is outside the site boundaries outlined in red.

A submission received from Windsor Park Residents Association includes a 'Technical note on Traffic and Transport considerations'. I note that the Chief Executive Report has not raised concerns regarding traffic or the location of the proposed new access to serve existing and proposed uses. Given the extent to the parking proposed under D22A/0847 this matter is addressed in detail and is the subject of assessment by DLRCC at present.

The applicant has submitted a Traffic Impact Assessment (TIA). The applicant is satisfied that the traffic generated by the proposed can be accommodated on the existing road network and no specific junction improvements are necessary in the area.

With regard to the observers contention that the developemt will further exacerbate traffic congestion along Stradbrook Road, additional traffic movements are to be expected when residentially zoned lands are developed, in this instance the land is zoned 'E' Employment and Enterprise which has different traffic requirements that have not been fully addressed in the documentation on file.

11.6.2 Parking

Car:

The applicant has proposed to provide 55 no. car parking spaces for the proposed 108 residential units, office (c.175 sq.m) and creche (outside site). It also includes the removal of the existing Blackrock College RFC car park and associated car parking spaces. As noted above replacement parking is proposed under a current application lodged with DLRCC. 12 spaces are proposed to serve the adjoining creche. A basement car parking with 55 spaces is proposed to serve the 108 residential units. The Development Plan in Table 8.2.3 set out 108 spaces area required (1 per unit). The proposal is vague on details for deliveries, setdown areas and emergency vehicle access. No parking proposed for the office.

A Material Contravention statement regarding carparking standards contained in the current County Development Plan was submitted with the application. I draw the Boards attention to, subject to criteria set out in Section 12.4.5.2 (i), in some instances reduced provision may be acceptable in zone 3. Section 12.3.6 (BTR) notes where certain derogations in standards including car parking are availed of, a condition should be attached to any grant of permission to state that planning permission must be sought for a change of tenure to another tenure model following the period specified in the covenant. While I have set out previously why I do not consider the site suitable for BTR. I note the Development Plan give scopes for deviation from the standards set out and as such (regardless of tenure) I do not consider it a material contravention of the County Development Plan as the Plan also refer to modal shift and encouragement of the use of sustainable modes of transport.

Bicycle:

The provides 202 no. cycle parking spaces. The Planning Authority are satisfied with the level of bicycle parking provided.

Parking conclusion

DLRCC Transportation Section raised concerns regarding inter alia the parking provision, EVCs, swept path analysis, cycle parking etc. and recommended conditions to address outstanding issues.

On balance I consider that the development achieves satisfactory car and cycle parking provision and vehicular, cycle and pedestrian connectivity and will enhance vehicular and pedestrian permeability with the wider area.

11.7 Site Services, Drainage & Flood Risk**11.7.1 Site Services and Drainage**

There is an existing 225mm diameter PVC pipe on Stradbroke Road approximately 85m to the north of the subject site flowing from south to north towards Rowan's Park Road (R827). The proposed development will require a new 225mm foul sewer to traverse Stradbroke Road from the subject site to the existing Irish Water manhole further north.

Irish Water in their submission have stated that connection is feasible subject to local network extension which the applicant would be required to fund this extension which is expected to be within the public domain as part of a connection agreement.

There is an existing 225mm diameter stormwater drain flowing north on Stradbroke Road towards Rowan's Park Road (R827). The storm line increases in size to a 300mm and 450mm diameter pipe as it flows north. The proposed development includes the demolition of the existing commercial building and car park facilities on site and the removal of the existing storm water system serving these elements of the development site. It is proposed that the storm water will connect to the existing stormwater drain on Stradbroke Road and based on a restricted flow of 1.5 l/s from the development site. The attenuation volume to be retained on site for a 1-in-100-year extreme storm event, increased by 30% for the predicated effects of climate change has been calculated through WinDES Microdrainage to be a volume of 210m³. Allowing for future urban creep to the development site of 10%, the attenuation tank shall be increased to 240m³ of storage. The restricted flow from the development to 1.5 l/s shall be by way of hydrobrake flow control device. The attenuation volume shall be provided in a Stormtech attenuation tank sized to retain storm volumes predicated.

There is an existing 150mm diameter uPVC and a 381mm cast iron public watermain adjacent to the development site on Stradbroke Road.

Irish Water in their submission has stated that it is feasible to connect subject to local network upgrades. And that in order to accommodate the proposed connection to Irish Water network the following works are required: Connection main – Approx. 25m of new 150mm ID pipe main to be laid to connect the site development to the existing 6" uPVC. Upgrade main – Approx. 15m of new 200mm ID pipe main to replace the existing 6" uPVC. The applicant would be required to fund these works as part of a connection agreement.

I note the requirements of Irish Water and DLRCC Drainage Planning which are recommended to be addressed by condition and consider it acceptable.

The observers raised concerns regarding water pressure and sewage capacity in the general area. I note that DLRCC Drainage Division or Irish Water have not raised these as concerns.

11.7.2 Flood Risk

A Flood Risk Assessment (FRA) was submitted with the application. The information contained within these documents appears reasonable and robust. The Application site is located on in Flood Zone C.

The FRA submitted notes there is no record of flooding on the site. The risk from fluvial, pluvial, tidal, groundwater flooding is low. A flood event was recorded to the north of the site, however due to the topography of the area, there is no potential effect on the site.

The SSFRA notes that the proposed development shall have a 240m³ storm water attenuation tank to address a 1 in 100 year extreme storm events increased by 30% for predicated climate change values to prevent flooding occurring onsite.

- Stormwater flow from the development site shall be limited to 1.5 l/s. This shall significantly reduce the volume of storm water leaving the site during extreme storms which in turn shall have the effect of reducing the pressure on the existing public drainage system and reduce the occurrence of downstream flooding. The SFRA concluded that the likelihood of onsite flooding from the hydrogeological ground conditions are deemed to be negligible

Based on all of the information before me, including the guidance contained within the relevant Section 28 Guidelines, I am generally satisfied in relation to the matter of flood risk. The Planning Authority have not raised concerns on this issue. This issues was not raised by observers.

11.8 Part V

The applicant has submitted Part V proposals as part of the application documents 30 no. units are currently identified as forming the Part V housing. I note the documentation also refers to 36 units for a 114 unit development. There is not report on file from DLRCC Housing Section. I am of the view that outstanding matter could be addressed by appropriate condition if permission was forthcoming.

I note Housing for All Plan and the associated Affordable Housing Act 2021 which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending on when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

Observers requested that Part V units be restricted to Elderly residents and this should be included in any condition if permission is granted.

11.9 Ecology

The applicant has prepared an 'Ecological Impact Assessment' which includes a Bat survey together with an Environmental Impact Assessment Screening Report' and an Appropriate Assessment Screening Report & 'Natura Impact Statement'.

The following surveys were carried out:

- Field Surveys carried out on the 23rd and 24th June 2022.
- Bat Surveys carried out on the 23rd and 24th June 2022.

EclA main Findings:

- No rare or protected habitats were noted.
- No protected plant species noted. No rare or threatened plant species were recorded in the vicinity of the proposed site. No invasive species were noted on site.
- No signs of mammals of conservation importance were noted on site. No resting or breeding places for mammals of conservation importance were noted on site.
- No rare birds or bird species of conservation value (red or amber listed) were noted during the field assessment.
- A single Leisler bat was noted transiting across the site at height. The site is brightly lit. There was no evidence of bats roosting within the buildings or trees on site. The building on sites is of poor roosting potential as it is a flat roof structure consisting of brick with no attic, fascia or soffit. No trees of bat roosting potential are on site. A derogation licence is not required in relation to bats on site.

The EclA noted that the majority of the site consists of a building and hard standing areas including a car parking in active use. The building is considered to be of low roosting potential for bats as it is a modern building with a flat roof and brick façade with no fascia or soffits. Two separate bat surveys were carried out. No evidence of bat activity was noted within the building. No potential access points for bats were seen on site. No evidence/ of bats or observations of bats emerging from the building on site was noted.

The EclA concluded that based on the successful implementation of standard mitigation measures in relation to biodiversity no significant ecological impacts would be likely outside the immediate vicinity of the proposed development. Impacts within the site would be considerable due to the removal of the majority existing interior habitats. Mitigation is required in relation to watercourses, dust, surface, runoff pollution, lighting, loss of bird nesting habitat and to carry out pre construction surveys for bats. No significant environmental impacts are likely in relation to the construction or operation of the proposed development. Given the nature of the structures and trees on site I am satisfied that the development of the site would not have a detrimental impact on bats which are common throughout urban areas.

11.10 Trees

A Tree preservation objective is noted to the northwest of site outside the site boundaries. The application site does not include this objective of any known TPOs.

An Arboricultural Assessment was submitted with the application. Tree Survey carried out on the 15th June 2022. The assessment conclude that the majority of the tree cover on the site is of limited arboricultural/amenity interest and is in decline, particularly the white birch and cherry species. The proposed development will entail the replanting of tree species on the site which will mitigate the loss of the existing tree cover.

In order to facilitate the development of the site some tree removal, in particular along boundaries would be required. In this instance based on the information submitted pertaining to surveys and assessments I am satisfied the applicant has demonstrated that the removal of a limited number of trees of varied quality would not have a significant adverse impact on the ecology of the site.

11.11 Material Contravention

The applicant submitted a Material Contravention Statement which set out to justify why the Board should materially contravene the Dun Laoghaire Rathdown County Development Plan 2022-2028 with regard to:

- Car parking
- Public open Space
- Unit Mix
- Employment Use

Observers raised the following as material contraventions: CS6 lands for Employment use, E10 Office Development and section 2.4.8.4 (demand for employment zoned lands), CA6 retrofit and reuse of buildings, PHP28 which limits BTR to suitable locations, PHP 27 read with section 12.3.3.1, T27 traffic noise, section 12.4.5.1 as submitted traffic assessment refers to parking zone 2, and section 12.4.5.3 as no provision for disabled parking.

I do not propose to set out compliance with section 37(2)(b) of the Planning and Development Act 2000 (as amended) given that the proposed residential development (108 BTR units) with a token percentage of employment use (c.175sq.m office) is located on lands which are the subject to land use zoning objective 'E' "to provide for economic development and employment" where residential development is open for consideration subject to note 'b' which sets out in accordance with Policy Objective e15: Securing Economic Growth compliance with Policy Objective E15 indicated in Table 13.1.13 of the Dun Laoghaire Rathdown County Development Plan 2022-2028. Having regard to s.9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016 the Board is precluded from granting permission for the development .

11.12 Chief Executive Report

I have fully considered that Chief Executive Report, the views of the Elected Members and the content of the internal reports and incorporated these into my assessment. I have addressed issues raised in the Chief Executive Report in my assessment above.

12.0 Environmental Impact Assessment (EIA) Screening

The applicant has addressed the issue of Environmental Impact Assessment (EIA) within an 'Environmental Impact Assessment Screening Report' and 'Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2022, as amended for a proposed mixed-use development at a site on Stradbroke Road, Mountashton, Blackrock, Co. Dublin' and I have had regard to same in this screening assessment. These reports contain information to be provided in line with Schedule 7 of the Planning and Development Regulations 2001. The EIA screening report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

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

- Construction of more than 500 dwelling units
- 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.

Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

It is proposed to construct 108 no. residential units and a c.175sq.m office on a site with a stated area of c.0.4813ha. The site is located on a brownfield site within the Blackrock suburban in south county Dublin . The site is, therefore, below the applicable threshold of 10ha. It is proposed to demolish the existing c.1210sq.m office block (Stradbrook House) and surface carpark associated with Blackrock College RFC. Excavation works are proposed to facilitate a basement carpark Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Irish Water and Dun Laoghaire Rathdown County Council, upon which its effects would be marginal. A Natura Impact Statement was submitted with the application which noted that mitigation measures required to address potential impacts from pollution of surface water.

Article 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. It is my view that sufficient information has been provided within the 'Environmental Impact Assessment Screening Report' and the 'Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2022, as amended for a proposed mixed-use development at a site on Stradbrook Road, Mountashton, Blackrock, Co. Dublin' (which should be read in conjunction with each other) and other documentation to determine whether there would or would not be likely to have a significant effect on the environment.

Article 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Statement of Consistency
- Material Contravention Statement
- Planning Report

- EIAR Screening Report
- Architectural Design Statement (incl. HQA and Schedule of Accommodation)
- Housing Quality Assessment
- Character & Materiality Report
- Engineering Services Report
- Stormwater Audit Stage 1 Report
- Site Specific Flood Risk Assessment
- Stage 1 Construction Management Plan
- Stage 1 Demolition and Construction Waste Management Plan
- Structural Statement
- Irish Water Design Acceptance
- M&E Incoming Utility Services – Development at Stradbrook Road
- Sustainability Report – Stradbrook Road SHD, Blackrock, Co. Dublin
- Building Lifecycle Report – Stradbrook Road SHD, Blackrock, Co. Dublin
- Site Lighting Datasheets
- Transportation Assessment Report (incl. Stg 1 RSA, DMURS Statement of Consistency, Preliminary Travel Plan, Transport Capacity Report)
- Landscape Design Report
- Landscape Management Plan – Outline Specifications for Landscape Works
- Arboricultural Inventory and Impact Assessment
- Appropriate Assessment Screening & Natura Impact Statement – Information for a Stage 1 (AA Screening) and Stage 2 (Natura Impact Statement) AA for a Proposed Mixed-Use Development at Stradbrook Road, Mountashton, Blackrock, Co. Dublin
- Ecological Impact Assessment (EclA) for a Proposed Mixed-Use Development at Stradbrook Road, Mountashton, Blackrock, Co. Dublin
- Townscape and Visual Impact Assessment
- Photomontage & CGIs
- Integrated Retirement Community Management Strategy Report
- Operational Waste Management Plan for a Proposed Mixed-Use Development at Stradbrook Road, Mountashton, Blackrock, Co. Dublin
- Daylight & Sunlight Report (incl. Overshadowing Analysis)
- South Suburban Office Report
- Stradbrook Road Extra Care Economic Benefits Assessment
- Social Infrastructure Audit
- Statement in accordance with Article 299B (1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2022, as amended for a proposed mixed-use development at a site on Stradbrook Road, Mountashton, Blackrock, Co. Dublin

Article 299B (1)(b)(ii)(II)(C), requires the applicant 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. In this regard the applicant submitted a Section 299B Statement.

The list below relates to assessment that I have taken account of:

- The Birds Directive (Directive 2009/147/EC) and Habitats Directive (Council Directive 92/43/EEC) through the Environmental Impact Assessment Screening Report, Ecological Impact Assessment which includes a Bat Survey, Appropriate Assessment Screening & Natura Impact Statement.
- The Water Framework Directive (WFD) (Directive 2000/60/EC) and The Groundwater Directive (Directive 2006/118/EC). The Environmental Report, the Environmental & EIA Screening Report, and Natura Impact Statement have been informed by the water quality status.
- The Floods Directive (Directive 2007/60/EC) Risk Assessment through the Site-Specific Flood Risk Assessment (SSFRA) and the implementation of the Dun Laoghaire Rathdown County Development Plan 2022-2028 which undertook a Strategic Flood Risk Assessment (SFRA).
- The Strategic Environmental Assessment (SEA) Directive 2001/42/EC through the zoning of the land for Economic Development and Employment in accordance with the Dun Laoghaire Rathdown County Plan 2022-2028 which was subject to SEA.
- The Environmental Noise Directive 2002/49/EC was considered under the Stage 1 Construction Management Plan, the Environmental Impact Assessment Screening Report and Appropriate Assessment Screening & Natura Impact Statement.
- The Clean Air for Europe (CAFE) Directive 2008/50/EC was considered in the Environmental Impact Assessment Screening Report.
- The Waste Framework Directive 2008/98/EC thorough the design of the proposed and the mitigation measures set out in the Stage 1 Construction Management Plan, the Stage1 Construction and Demolition Waste Management Plan and the Operational Waste Management Plan and the Environmental Impact Assessment Screening Report.
- The Seveso Directive (Directive 82/501/EEC, Directive 96/82/EC, Directive 2012/18/EU). The proposed site is not located within the consultation zones, therefore, this does not form a constraint to the proposed at this location.

The applicants Statement under Article 299 B(1)(b)(ii)(II)(c) of the Planning and Development Regulations 2001 (as amended)–under the relevant themed headings and the Environmental Impact Assessment Screening Report, 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 relevant assessments have been identified for the purpose of EIA Screening. I have also taken into account the SEA and AA of the recently adopted County Development Plan 2022-2028.

I have completed an EIA screening determination as set out in Appendix 2 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 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 information provided in the applicant's Environmental Report and Environmental & EIA Screening Report.

A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

13.0 Appropriate Assessment (AA) Screening

Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The proposed development at Stradbroke Road, Mountashon, Blackrock, Co. Dublin comprised of a residential development with c.175sq.m office space comprising the demolition of all existing structures (c.1210 sq.m office block) and hardstanding areas (surface carpark) and the construction of 108 no. BTR (Senior Living) apartments and all associated works is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

The Appropriate Assessment Screening submitted with the application states *“In a strict application of the precautionary principle, it has been concluded that significant effects on the South Dublin Bay SAC and South Dublin Bay and River Tolka SPA are likely, in the absence of mitigation measures, from the proposed works as a result of the indirect hydrological connection to the sites from the proposed project, which involves demolition, excavation and construction works. Acting on a strictly precautionary basis, NIS is required in respect of the effects of the project on South Dublin Bay SAC, and South Dublin Bay and River Tolka Estuary SPA because it cannot be excluded on the basis of best objective scientific information following screening, in the absence of control or mitigation measures, that the plan or project, individually and/or in combination with other plans or projects, will have a significant effect on the named European Site/s.”*

Screening for Appropriate Assessment (Stage 1)

Description of Development

The applicant provides a description of the project on page 5 the Appropriate Assessment Screening Report & Natura Impact Statement. I refer the Board to section 3 of this report.

Description of the Site Characteristics

The applicant provides a description of the site in the submitted ‘Appropriate Assessment Screening Report & Natura Impact Statement’. The site has a stated area of c.0.4813 ha in the suburbs of Blackrock, Co. Dublin. The site currently contains a vacant office block and a carpark (in use by the adjoining creche and Blackrock College RFC), all of which are to be demolished/removed as part of the proposed development. The site is almost entirely hard paved or under buildings. There are no watercourses on the site. Stormwater drainage from the site would ultimately discharge via the stormwater sewer to the Brewery Stream which enters the marine environment at Monkstown. There are no European sites in the immediate vicinity of the site.

Relevant prescribed bodies consulted:

The submitted Natura Impact Statement (NIS) does not identify specific consultations with prescribed bodies but does refer to a desktop review of published documents and information.

In response to the referrals, no submissions in relation to biodiversity or ecology were received from the prescribed bodies.

Test of likely significant effects

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

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

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

- Habitat loss/ fragmentation
- Habitat degradation as a result of hydrological impacts.
- Disturbance and displacement impacts on QI/SCI
- 'In combination' effects arising from the development.

A Natural Impact Statement are submitted with the application. No Natura 2000 sites have a direct hydrological connection to the proposed development site. However, potential pathways / connections between the application site and European sites in Dublin Bay are identified via wastewater discharge from Ringsend Wastewater Treatment Plant.

Designated sites within Zone of Influence

Section 2.3 of the NIS Submitted includes AA screening concluded that it is considered that the possibility for impacts on European sites is limited to the series of sites set out in the submitted document using the precautionary principle based on the proposed demolition, site clearance and excavation works and the fact that the surface water network on Stradbroke Road discharges to the Brewrey/Stradbroke Stream it was considered that there is an indirect pathway to South Dublin Bay SAC (code 00210) and South Dublin Bay & River Tolka Estuary SPA (code 04024). It was considered that in the absence of mitigation there is potential for dust, pollution and contaminated surface water/runoff to enter the Brewrey Stream/Stradbroke road with the potential for downstream impacts on the QI of the SAC and SPA. Drying operational phase surface water would be directed to the surface water network in Stradbroke Road which discharges to the Brewrey/Stradbroke Stream and in the absence of mitigation measures there is potential for dust, pollution and contaminated surface water runoff entering the Brewrey/Stradbroke Stream and, by extension, the marine environment at Dublin Bay.

For completeness I have included a summary of the European Sites that occur within 15km of the site of the proposed development is set out below:

SACs:

- South Dublin Bay SAC (site code: 000210).
- Rockabill to Dalkey Island SAC (site code: 003000).
- North Dublin Bay SAC (site code: 000206).
- Baldoyle Bay SAC (site code: 000199.)
- Glenasmole Valley SAC (site code 001209).
- Howth Head SAC (site code: 00202).
- Wicklow Mountains SAC (site code: 002122).
- Bray Head SAC (site code: 000714).
- Ballyman Glen SAC (site code: 000713)
- Knocksink Wood SAC (site code: 001209).
- Ireland Eye SAC (site code: 002193).

SPAs:

- South Dublin Bay & River Tolka SPA (site code: 004024).
- Dalkey Islands SPA (site code: 004172).
- North Bull Island SPA (site code: 004006).
- Baldoyle Bay SPA (site code: 004016).
- Wicklow Mountains SPA (site code: 004040).
- Howth Head Coast SPA (site code 004113).
- Ireland Eye SPA (site code: 004117).

However, a number of these sites do not have a connection or pathway to/from the subject site and are therefore not within the extended zone of influence of the site. Four sites in Dublin Bay with qualifying interests, which are potentially linked to the proposed development are identified as being potentially affected by the development arising from drainage from the site, foul, during construction and occupation, which are considered as external outputs from the site that could potentially extend the development's ZOI.

In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the development site to the European Sites, and any potential pathways which may exist from the site to a European Site.

The development site is not located in or immediately adjacent to a European site. There is no direct hydrological connection between the site and any European site. The foul sewer water will be connected to an existing public network system. As such there is an indirect connection to the Dublin Bay European sites via the surface and foul networks via Ringsend Wastewater Treatment Plant (WWTP). Using the source-pathway-receptor model, foul waters from the proposed development will ultimately drain to Dublin Bay, located to the east of the proposed development site, and therefore may indirectly have an impact. Therefore, the European sites with qualifying interests, which are potentially linked to the proposed development are South Dublin Bay SAC (site code: 000210), North Dublin Bay SAC (site code: 000206), South Dublin Bay and River Tolka Estuary SPA (site code: 004024) and North Bull Island SPA (site code: 004006).

Given the scale of the proposed development, the lack of a hydrological connection, the dilution provided in the estuarine/marine environment and the distances involved other sites in the bay area are excluded from further consideration this screening.

I do not consider that any other European sites fall within the zone of influence of the project based on a combination of factors including the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, aided in part by the applicant's Appropriate Assessment Screening Report, the conservation objectives of Natura 2000 sites, the lack of suitable habitat for qualifying interests, as well as by the information on file, including observations made by third parties and I have also visited the site

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Site
SAC:	
<p>South Dublin Bay SAC (site code: 000210).</p> <p>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] The NPWS has identified a site specific conservation objective to maintain the favourable conservation condition of the Annex I Habitat Mudflats and sandflats not covered by seawater at low tide [1140], as defined by a list of attributes and targets</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.</p>	<p>c.900m to the east of the site</p>
<p>North Dublin Bay SAC (site code: 000206)</p> <p>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] Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.</p>	<p>c.5.8km to the northeast of the site</p>
SPA:	

<p>South Dublin Bay & River Tolka SPA (site code: 004024).</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] 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] ABP-307236-20 Inspector's Report Page 46 of 56 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Artic Tern (<i>Sterna paradisea</i>) [A194] Wetland and Waterbirds [A999]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.</p>	<p>c.900m the east of the site</p>
<p>North Bull Island SPA (site code: 004006)</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.</p>	<p>c.6.4km to the northeast of the site</p>

Potential Effects on Designated Sites

Potential indirect effects on the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), North Dublin Bay SAC (Site Code 000206), South Dublin Bay SAC (Site Code 000210) and North Bull Island SPA (Site Code 004006), relate to:

- Potential impact on habitats and/or other species during construction and operational phases.
- Potential impact from water discharges during construction and operational phases.
- Potential impact from contaminated surface water during construction and operational phases.

Assessment of potential for likely Significant Effects on Designated Sites

There is an indirect hydrological pathway to the four sites set out above in Dublin Bay via the proposed foul wastewater drainage strategy. Foul wastewater will be connected to an existing public foul network, which in turn discharges to Ringsend Wastewater Treatment Plant (WwTP) for treatment. Silt or pollutants will be treated along this network under licence. In the absence of mitigation measures, no significant impacts on the qualifying interests of this SAC are foreseen along this indirect hydrological pathway of foul wastewater to an existing public network.

The proposed development will not result in any direct loss of habitat within Natura 2000 sites and no potential for habitat fragmentation is identified. Similarly, having regard to separation from European sites, construction or operational activity thereon will not result in any disturbance or displacement of qualifying interests of the identified sites. The habitats within or adjoining the site are not of value for qualifying species of these Natura 2000 sites, which are associated with estuarine shoreline areas or wetlands. The site is dominated by buildings and artificial surfaces, which do not provide suitable roosting or foraging grounds for these species. No ex-situ impacts on qualifying species are therefore considered likely.

Surface water will discharge to the Brewrey/Stradbroke stream via the public network. There is an indirect hydrological pathway between the application site and the coastal sites listed above via the public drainage system. There is no potential for pollution to enter the watercourses, across the terrestrial buffer.

Measure outlines in the Stage 1 CMP and Stage 1 CDWMP refer to best practice measures used for the development of any site regardless of its location. I do not consider that this measures are mitigation measures for the purposes of appropriate assessment. In my view the word has been used incorrectly. They constitute the standards established approach to developing sites and good 'housekeeping' construction works on brownfield site, Their implementation would be necessary for a housing development on a site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them whether or not they were explicitly required by the terms or conditions of a planning permission. Their efficacy in preventing the risk of storm water and wastewater runoff is managed and no off-site environmental impact caused by overland storm water flows has been demonstrated by long usage. Therefore, the proposed development would be not likely to have a significant effect the quality of the waters in the Natura 2000 sites downstream of the application site. Any potential impact would only arise if the proposed development were carried out in an incompetent manner or with reckless disregard to environmental obligations that arise in any urban area whether or not it is connected to a Natura 2000 site.

In relation to the operational phase of the development the applicants AA Screening concluded that SuDS measures will protect the local drainage network from negative impacts to surface water drainage. Again I do not consider that these are mitigation measures for the purposes of appropriate assessment. In my view the word has been used incorrectly. They constitute the standards established approach to surface water drainage for construction works. Their implementation would be necessary for a housing development on a site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on a site whether or not they were explicitly required by the terms or conditions of a planning permission. Their efficacy in preventing the risk of a deterioration in the quality of water downstream of construction works has been demonstrated by long usage. Therefore, the proposed development would be not likely to have a significant effect the quality of the waters in the Natura 2000 sites downstream of the application site. Any potential impact would only arise if the proposed development were carried out in an incompetent manner or with reckless disregard to environmental obligations that arise in any suburban area whether or not it is connected to a Natura 2000 site.

Foul water will be discharged to a local authority foul sewer. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.

There is an indirect hydrological pathway between the application site and the coastal sites listed above via the public drainage system and the Ringsend WWTP.

Permission was granted by An Bord Pleanála in April 2019 for the upgrading of the Ringsend WWTP under ABP ref. ABP-301798-18, which works are currently underway. In granting permission, the Board undertook an Appropriate Assessment of the proposed development and concluded that that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives. Documentation and evidence provided in that case, including the EIAR, provide a reasonable basis to conclude that this proposed development would not be likely to give rise to significant effects on the conservation objectives of European Sites, either individually, or when taken together and in combination with other plans or projects. The increased loading on the plant arising from the development proposed herein will not be significant in the context of the wider city and the increased capacity of the plant.

In Combination/Cumulative Impacts

A number of SHD application have been permitted in the wider area. None are within the immediate vicinity of the current site. I am satisfied that 'in-combination' effects arising from this development and others, will not result in significant effects on any European site arising from the level of discharge envisaged.

Therefore, having regard to the scale and nature of the proposed student accommodation and its location within the built up area of the city which can be serviced, I conclude that the proposed development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly or in combination with other plans and projects.

Mitigation measures

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 000210 (South Dublin Bay SAC), 000206 (North Dublin Bay SAC), 004024 (South Dublin Bay and River Tolka Estuary SPA) and 004006 (North Bull Island SPA) or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This is based on the following:

- The nature and scale of the proposed development on serviced lands,
- The intervening land uses and distance from European Sites, and
- Lack of direct connections with regard to the source-pathway-receptor model.

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives. A stage 2 appropriate assessment (and submission of NIS) is not therefore required

14.0 Recommendation, Reasons and Consideration

The proposed development is located on lands which are the subject to land use zoning objective 'E' "to provide for economic development and employment" where residential development is open for consideration subject to note 'b' which sets out in accordance with Policy Objective E15: Securing Economic Growth compliance with Policy Objective E15 indicated in Table 13.1.13 of the Dun Laoghaire Rathdown County Development Plan 2022-2028. The proposed development does not comply with the criteria set out in table 13.1.13 and as such materially contravenes the zoning on the site.

Furthermore given the overall height, scale, massing and siting of the proposed development and its relationship with the existing building environment I do not consider that it complies with policy objective BHS3 or satisfies criteria set out in table 5.1 contained in Appendix 5 Building Height Strategy of the Dun Laoghaire Rathdown Development Plan and should be refused permission accordingly.

15.0 Recommended Board Order

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire Rathdown Conty Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and

particulars, lodged with An Bord Pleanála on the 11th July 2022 by Tetrarch Residential Limited c/o Tom Phillips & Associates.

Proposed Development:

Tetrarch Residential Limited intend to apply to An Bord Pleanála (the Board) for permission for a Strategic Housing Development with a total site area of c.0.48 ha, on lands located at and adjoining Stradbrook House, Stradbrook Road, Mountashton, Blackrock, Co. Dublin.

The proposed mixed-use development will comprise: The demolition of the existing Stradbrook House and adjoining surface car park, and the construction of: 108 No. Build-to-Rent residential senior living apartments (83 No. 1-bed apartments and 25 No. 2-bed apartments), with balconies / winter gardens provided for all units, across 2 No. blocks ranging between 3 to 7-storeys over basement with set back at sixth-floor level. The proposal also includes for 148 No. secure bicycle parking spaces, 55 No. underground car parking spaces, a two-way vehicular and cyclist entrance ramp, and bin storage, circulation areas and associated plant at basement level; a self-contained office unit, a residential staff management suite, resident's facilities, residents' communal amenity rooms, and residents' communal open space, as well as 13 No. surface car parking spaces (incl. 1 No. accessible commercial car parking space and 12 No. car parking spaces for use by the adjoining creche (incl. 1 No. accessible)), 24 No. secure cycle spaces within separate bike store, separate bin store for office use, 30 No. short-term bicycle parking spaces, and 3 No. ESB substations at ground floor level; additional communal amenity rooms at first, second and third floor levels; roof gardens / terraces at third, fourth and sixth-floor levels; green roofs; and PV panels on third, fourth and sixth-floor roof-level; amendments to existing boundary wall to provide new vehicular and pedestrian entrances; provision of security gates; and associated site landscaping, boundary treatments, lighting and servicing, and all associated works above and below ground. The application contains a statement setting out how the proposal will be consistent with the objectives of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, as amended, notwithstanding

that the proposed development materially contravenes the Dún Laoghaire-Rathdown County Development Plan 2022-2028 other than in relation to the zoning of the land.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Matters Considered

In making its decision, the Bord had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

1. Having regard to the information submitted in the course of the application, the board do not consider that it has been demonstrated that the site is not needed for its established employment and enterprise use. The circumstances set out in table 13.1.13 note 'b' of the Dun Laoghaire Rathdown County Development Plan 2022-2028 for residential development on lands zoned for Enterprise and Employment under objective E of the plan do not apply to the site. The proposed residential development would therefore materially contravene the zoning of the site.
2. Having regard to the surrounding urban structure and the disposition of the building on site, to the height, form and scale of the proposed development and the separation distances to the site boundaries of adjoining properties, it is considered that the proposal does not provide an appropriate transition in height and scale or have due regard to the nature of the surrounding urban morphology. The proposed development is considered overly dominant, would have an excessive overbearing effect on adjoining property. The development does not comply with policy objective BHS3 or Table 5.1 contained in Appendix 5 Building Height Strategy of the Dun Laoghaire Rathdown Development Plan 2022-2028. The proposed development, would, therefore seriously injure the amenities of property in the vicinity and character of the area and would 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.

Dáire McDevitt
Senior Planning Inspector

19th April 2023

Appendix 1 List of documentation
Appendix 2 EIA Determination Form

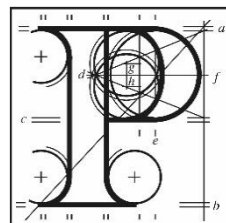
Appendix 1

Reports submitted with the application included inter alia the following:

- Planning Application Form (incl. Letter of Consent from Blackrock College RFC, Document Schedule, Drawing Schedule, Part V details (incl. Applicant Part V Proposal and Dún Laoghaire Rathdown County Council Housing Department)
- Statement of Consistency
- Material Contravention Statement
- Planning Report
- Response to An Bord Pleanála Opinion
- EIAR Screening Report
- Draft Legal Covenant (s. 47 Agreement) relating to Build to Rent Development, prepared by the Applicant.
- Legal Opinion on Zoning
- Architectural Design Statement (incl. HQA and Schedule of Accommodation)
- Housing Quality Assessment
- Character & Materiality Report
- Engineering Services Report
- Stormwater Audit Stage 1 Report
- Site Specific Flood Risk Assessment
- Stage 1 Construction Management Plan
- Stage 1 Demolition and Construction Waste Management Plan
- Structural Statement
- Irish Water Design Acceptance
- M&E Incoming Utility Services – Development at Stradbroke Road
- Sustainability Report – Stradbroke Road SHD, Blackrock, Co. Dublin
- Building Lifecycle Report – Stradbroke Road SHD, Blackrock, Co. Dublin
- Site Lighting Datasheets
- Transportation Assessment Report (incl. Stg 1 RSA, DMURS Statement of Consistency, Preliminary Travel Plan, Transport Capacity Report)
- Landscape Design Report
- Landscape Management Plan – Outline Specifications for Landscape Works
- Arboricultural Inventory and Impact Assessment
- Appropriate Assessment Screening & Natura Impact Statement – Information for a Stage 1 (AA Screening) and Stage 2 (Natura Impact Statement) AA for a Proposed Mixed-Use Development at Stradbroke Road, Mountashton, Blackrock, Co. Dublin
- Ecological Impact Assessment (EclA) for a Proposed Mixed-Use Development at Stradbroke Road, Mountashton, Blackrock, Co. Dublin
- Townscape and Visual Impact Assessment
- Photomontage & CGIs

- Integrated Retirement Community Management Strategy Report
- Operational Waste Management Plan for a Proposed Mixed-Use Development at Stradbroke Road, Mountashton, Blackrock, Co. Dublin
- Daylight & Sunlight Report (incl. Overshadowing Analysis)
- South Suburban Office Report
- Stradbroke Road Extra Care Economic Benefits Assessment
- Social Infrastructure Audit
- Statement in accordance with Article 299B (1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2022, as amended for a proposed mixed-use development at a site on Stradbroke Road, Mountashton, Blackrock, Co. Dublin

Appendix 2 EIA Screening Determination Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-314041-22
Summary		
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A Screening for Appropriate Assessment Report and Natura Impact Statement was submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	

3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA and AA undertaken in respect of the Dublin City Development Plan 2016-2022 and see also Inspectors Report section 11 in relation to Article 299 B(1)(b)(2)(c)
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the construction of 108 BTR (Elderly Living)apartments and 1 no. office unit on lands where residential is open for consideration subject to caveat (see section 11.1 of Inspectors report)	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposal includes construction of a BTR residential complex which is not considered to be in keeping the pattern of development in the surrounding area or compliant with relevant Country Developemtn Plan policy.	No

1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such urban development . The loss of natural resources or local biodiversity as a result of the of the site are not regarded as significant in nature.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction and Demolition Waste Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	No

1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Excavation and piling works to facilitate basement construction.</p> <p>Such construction impacts would be local and temporary in nature and implementation of a Construction and Demolition Waste Management Plan, Construction Management Plan and Structural Statement will satisfactorily mitigate potential impacts.</p>	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	<p>No significant risk having regard to the nature and scale of the development. Any risk arising from construction will be localised and temporary in nature.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	No

1.10 Will the project affect the social environment (population, employment)	Yes	Development of this site as proposed will result in an increase in residential units (108 Elderly Living BTR apartments) which is not considered commensurate with the development of a E zoned lands in the Dun Laoghaire Rathdown area.	Yes
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Current proposal is a standalone development, with small and medium scale developments in the immediately surrounding area.	Yes
2. Location of proposed			
2.1 Is the proposed located on, in, adjoining or have the potential to impact on any of the following: 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a plan/ LAP/ draft plan or variation of a plan	No	There are no conservation sites located in the vicinity of the site. The nearest Natura 2000 sites are: South Dublin Bay SAC North Dublin Bay SAC North Bull Island SPA South Dublin Bay & River Tolka SPA The proposed development will not result in significant impacts to any of these sites. Please refer to the AA Screening in section 13 of this report	No
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	No such uses on the site and no impacts on such species are anticipated. An Ecological Impact Assessment which includes a Bat Survey has been submitted and examined.	No

2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	The site does not contain any protected structures. it is not located within a designated Architectural Conservation Area or an Area of Archaeological Potential. A Tree Objective refers to a tree outside the site boundaries on the north eastern corner.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	There are no areas in the immediate vicinity which contain important resources.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	There are no connections to watercourses in the area. The development will implement SUDS measures to control surface water runoff. The site is partial located within Flood Zone C. (see also section 11.7.2 in the Inspectors Report in relation to services and drainage)	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.	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	The site is served by a local urban road network.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	There are no existing sensitive land uses or substantial community uses which could be affected by the project.	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 result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

C. CONCLUSION

No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	
Real likelihood of significant effects on the environment.	No		

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) The location of the site on lands zoned "E" where residential development is open for consideration subject to caveat (note 'b') and the results of the Strategic Environmental Assessment of the Plan.
- (c) The existing use on the site and pattern of development in surrounding area;
- (e) The availability of mains water and wastewater services to serve the proposed development,
- (f) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as

amended)

(g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

(h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Stage 1 Construction and Demolition Waste Management Plan (CDWMP), Stage 1 Construction Management Plan (CMP), Structural Statement, the Operational Waste Management Plan and the Engineering Services Report, the Ecological Impact Assessment, The Arboricultural Inventory & Assessment and the Architectural Design Statement.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

19th April 2023

Daire McDevitt
Senior Planning Inspector

Date