



An  
Coimisiún  
Pleanála

## Inspector's Report

**PL-500992-DR-26**

### Development

Assisted living facility comprising 119 units over four, 5-6 storey residential blocks.

### Location

Lands Adjoining, St. Laurence College, Wyattville Park, Loughlinstown, Co. Dublin

### Planning Authority

Dun Laoghaire Rathdown County Council

### Planning Authority Reg. Ref.

D25A/0150/WEB

### Applicant(s)

N11 Senior Living Limited

### Type of Application

Permission

### Planning Authority Decision

Grant Permission + Conditions

### Type of Appeal

Third Party

First Party Normal Planning Appeal

### Appellant(s)

Wyattville Residents Association

N11 Senior Living Limited

### Observer(s)

None

### Date of Site Inspection

22<sup>nd</sup> May 2026

**Inspector**

Kenneth Moloney

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located in Loughlinstown, Co. Dublin.
- 1.2. The subject site is situated adjacent to the N11, approximately 150 metres northwest of the Wyattville Link Road flyover. The Wyattville Link Road connects the N11 to the M50 via Cherrywood.
- 1.3. The Cherrywood Strategic Development Zone is located c.500m to the east of the appeal site, on the opposite side of the N11.
- 1.4. The appeal site is bounded to the south by the N11, and to the north by St. Lawrence College, a secondary school, and by Wyattville Park to the north and east. Wyattville Park is an established suburban housing development comprising of two-storey semi-detached dwellings constructed in the 1960's.
- 1.5. The appeal site is accessed from Wyattville Park to the north, and this access also serves St. Lawrence College.
- 1.6. There is a surfaced tarmacadam area adjacent to the site access prior to accessing the St. Lawrence College car park.
- 1.7. The size of the appeal site is 4.2 ha, and the site currently comprises of an astro turf playing surface and a disused all-weather playing surface situated to the north of the site. A former (overgrown) playing pitch is situated to the south and an existing playing field located to the north of the site adjoins the N11.
- 1.8. The appeal site has a falling gradient from the south (adjoining the N11) to the north. The site levels are raised above the N11 and the site gradient falls gently in a northward's directions followed by a sudden drop in levels for the astro-turf playing surface, and a more significant drop in levels to the tarmacadam area adjacent to the site access.
- 1.9. An existing pedestrian route traverses the appeal site and the adjacent secondary school, that connects Wyattville Park, to the north, to the N11.

## **2.0 Proposed Development**

- 2.1. The proposed development is to comprise of an 'Assisted Living Facility' across four blocks (Blocks A to D) and consisting of 119 no. units. The proposal will also include

the construction of a transitional care home (Block E) providing 180 no. bedspaces. The development ranges in height from 5 to 6 storeys, across the site.

2.2. The 'Assisted Living Facility' will comprise as follows.

- Block A is 5 storeys, in height, and comprises of 24 no. units consisting of the following
  - 16 no. 1 bed units,
  - 4 no. 2 bed units,
  - 4 no. 3 bed units.
- Block B is 5 storeys, in height, and consists of 27 no. units as follows;
  - 18 no. 1 bed units,
  - 4 no. 2 bed units,
  - 5 no. 3 bed units.
- Block C is 6 storeys, in height, and contains 32 no. units comprising as follows;
  - 22 no. 1 bed units,
  - 10 no. 2 bed units.
- Block D is 6 storeys, in height, and includes 36 no. units as follows;
  - 25 no. 1 bed units,
  - 11 no. 2 bed units.

2.3. The proposed development includes the provision of communal facilities, in the ground floor area of Blocks A and B, and this includes the following.

| Proposed Use          | Floor Area  |
|-----------------------|-------------|
| Arts and Craft Lounge | 64.6 sq. m. |
| Gym / Exercise Space  | 43.4 sq. m. |
| Library               | 45.1 sq. m. |
| Oratory               | 34.2 sq. m. |

|                                                                   |              |
|-------------------------------------------------------------------|--------------|
| Cinema / Presentation Room                                        | 24.7 sq. m.  |
| Bulky Storage                                                     | 86.6 sq. m.  |
| Community Inter-generational tearoom / café and kitchen facility. | 233 sq. m.   |
| Multi-functional School & Community Facility                      | 156.9 sq. m. |
| Bike storage                                                      | 35 sq. m.    |

- 2.4. The proposed development offers a range of facilities that will be used by the adjacent school. This includes a library, and the multifunctional room designed to host both school and community events. This room will be adapted for various uses, for educational and extracurricular activities.
- 2.5. The ground floor area of Block C and Block D also includes communal space in the form of a lounge area, and bike storage provision.
- 2.6. The proposed transitional care home providing 180 no. bedspaces is located in Block E, situated to the south of the site, and is 5 storeys, in height. The ground floor includes 20 bedrooms, and there are 40 no. bedrooms on each of the floors from first floor to fourth floor level.
- 2.7. The proposed transitional care home facility includes a range of resident facilities at ground floor level including medical, personal care and oratory. All the upper floor levels provide for lounge and dining areas to serve each floor level.
- 2.8. The proposal includes alterations to existing entrance onto Wyattville Park and the creation of new entrance and the provision of a new walkway through the development boundary access to the N11 from Wyattville Park.
- 2.9. The proposal includes provision of a new access road to St. Lawrence College from the existing entrance at Wyattville Park and provision of a school drop off area.
- 2.10. The development includes the provision of 2 no. Multi-Use Games Areas (MUGA) and 2 no. existing grass playing pitches.
- 2.11. The proposed development also includes 97 car parking spaces and 30 no. bicycle parking spaces.

2.12. Following a response to the PA's further information request, the following amendment to the development is included.

- Removal of proposed school drop off area and replaced with proposed shared surface area.

2.13. The application was accompanied by the following documentation:

- Planning Report
- Architectural & Urban Design Statement
- Verified Views and CGI
- Materials Strategy
- Traffic Impact Assessment
- Travel Plan
- Car Park Management Strategy
- Appropriate Assessment Screening
- Air Quality & Climate Impact Assessment
- Daylight and Sunlight Assessment Report
- Inward Noise Impact Assessment
- Infrastructure Report
- Building Lifecycle Report
- DMURS Compliance Statement
- Stage 1 Storm Water Audit
- Operational Management Plan
- Resource and Waste Management Plan
- Operational Waste Management Plan
- Ecological Impact Assessment
- Site Specific Flood Risk Assessment
- Public Lighting Report
- Outline Construction Management Plan
- Stage 1 Quality Audit
- Housing Quality Assessment
- Application Drawings

### 3.0 Planning Authority Decision

- 3.1. The Planning Authority decided to **grant** planning permission, subject to 42 no. conditions. The following PA conditions are bespoke.

#### Condition no. 2

- a. The occupancy of the assisted living units shall be restricted to persons aged 65 years or older or to persons with a certified medical need for sheltered housing and spouses or partners of such persons.
- b. The transitional care unit shall operate in accordance with the general definition of transitional care home, which refers to short term or interim care arrangement for individuals on a temporary basis and does not permit the use of the development as a Nursing home or similar.

**Reason:** To ensure that the proposed development is used as specified in the submitted plans and the interest of proper planning and the sustainable development of the area.

#### Condition no. 3

- a. The Multi-use Games Areas, grass pitches, community facilities including community inter-generational tea rooms and associated areas shall be made available for dual use with structured community access to interested groups / sports clubs seven days a week.
- b. Prior to the commencement of the development herein permitted, the applicant shall submit a schedule of availability to the Planning Authority for written agreement supported with details of the management and operational details of the proposed responsibility for the facility (i.e. School or Site Developer) and how / whom may be contacted in respect of same.

**Reason:** To accord with the SNI zoning objective of the site and Policy PHP3, PHP5 and OSR10 of the County Development Plan, 2022 – 2028.



### 3.2. Planning Authority Reports

3.3. The Planning Officer's report dated 16<sup>th</sup> April 2025, is summarised as follows.

- The subject site is zoned 'SNI' (Sustainable Neighbourhood Infrastructure) and the proposed uses are permitted in principle and open for consideration.
- Section 13.2 of Chapter 13 of CDP defines the specific uses proposed.
- The nature of the uses are in accordance with CDP.
- The proposal is consistent with relevant CDP policies PHP 13 (Equality, Social Inclusion), PHP 14 (Age Friendly), and PHP 30 (Housing for All).
- The proposal would satisfy the criteria in Section 12.3.8.1 (Age Friendly Housing) and Section 12.3.8.2 (Nursing Homes / Assisted Living Accommodation) of the CDP, in particular Unit Design, Resident Amenities, Community Facilities, Public Realm and Accessibility.
- The proposal is consistent with Section 12.3.2.1 (Development within 'SNI' Lands).
- The proposal is consistent with the following policy objectives in Chapter 4 of the CDP, PHP 2 (SNI), PHP 3 (Planning for Sustainable Communities), PHP 30 (Housing for All), PHP 35 (Healthy Placemaking), PHP 36 (Inclusive Design and Universal Access).
- The proposal includes a pedestrian link from the N11 to the subject site, via St. Lawrence's College, in accordance with CDP Specific Local Objective 149. DLR Transportation Dept. raised concerns in respect of layout, permeability and connectivity. Revisions are required.
- In relation to climate action the proposal does not cause any undue negative impacts in terms of energy use performance and is acceptable in terms of materials proposed in the context of the Building Regulations.
- Condition recommended to prevent any additional development at roof level above the parapet levels, without the benefit of planning permission.

- The subject site is located in the 'City – Urban Neighbourhood' location, according to the Compact Settlement Guidelines (2024) where a density of between 50 – 250 uph applies. Proposed density is within this range.
- The net area of the site shall be clarified by FI to calculate the proposed density.
- Further Information also requested on ownership profile of subject site.
- The density is considered generally acceptable given location to public transportation and having regard to the Compact Settlement Guidelines (2024) and PHP 18 (Density) of the CDP.
- The proposed unit mix is consistent with Section 4.3.2.6 Objective PHP 30 (Housing for All) and is therefore acceptable.

#### Residential Amenity

- No overlooking concerns with proposed separation distances from Block A to existing residential properties to the north. Separation distance is 35.8m and 48.5m from 102 and 103A Wyattville Park respectively.
- No overlooking concerns to the east where a row of semi-detached houses (no. 5 to 47A Wyattville Park) have a separation distance from the proposal of 38.8m to 42.6m.
- Proposal accords with SPPR 1 in relation to separation distances to adjoining properties.
- The Daylight and Sunlight Assessment confirm no negligible impact. The PA accepts the conclusions.
- Proposal is acceptable with S. 4.3.1.3 Policy PHP 20 (Protection of Existing Residential Amenity) of the CDP.
- PA has concerns with overlooking from Block A to Block B from first floor upwards between 3-bed units. Addressed by FI.
- Generally, Blocks A and B comply with SPPR 1.
- In the interest of appropriate design indirect overlooking from rooms in Block E shall be addressed by FI.

- Good practice to include a privacy strip or similar for ground floor bedrooms in Block E, which face onto Communal Landscaped Area.
- Proposal consistent with S. 12.3.4.2 'Habitable Rooms' of the CDP.
- Submitted Noise Impact Assessment Report recommends an acoustic barrier for the communal open space. Potential impacts on quality and usability of the public and communal open space. AI requested to address this.
- Proposal will not result in any undue noise impacts.

#### Residential Standards

- The applicant confirms that the minimum floor areas exceed the Guidelines (2023) by 10% which is welcomed.
- In relation to Block E as no planning policy / standards apply the PA will rely on other Building Codes and Codes of Practice to achieve high quality standard.
- Internal and external storage areas considered acceptable.
- There are concerns that the centralised location of the bulky storage will discourage use by residents in Block C and Block D, and that bulky storage should be dispensed within the blocks for ease of access. Addressed by FI.
- Proposal acceptable with dual aspect requirements of SPPR 4.
- Private open space provision considered acceptable with the Guidelines (2023).
- The north facing balconies of proposed Block A and Block B are acceptable on the basis that the units are 3-bed and have dual frontage.
- Communal open space, floor to ceiling heights and apartments per stair core all acceptable to PA. Design features of communal open space to be addressed by FI.
- There is a shortfall in the public open space provision and concerns in relation to quality. To be addressed by FI. Clarification also required in relation to the semi-private nature of the communal open space to be separated from public open space.

- Clarification in relation to communal open space in respect of that serving Assisted Living Units, the Courtyard of Block E.
- The practicality and usability of the communal open space to the north of Block A, given its location adjacent to public plaza and the proposed school drop off, needs to be addressed.
- Transportation Dept. concerned with proposed parking area to north of site comprised of school drop off area and recommends its removal.
- Transportation Dept. request FI in relation to open space associated with Block E to improve the space.
- Accessibility of ground floor Block A and Block B shall be redesigned to enhance privacy.
- The communal space to north of Block A will offer limited amenity and its removal is considered acceptable.
- Address gradients of public open space to demonstrate acceptable accessibility.
- Concerns in relation to connectivity to the public plaza to the north of Block A and Block B from the south to be addressed by FI.
- High quality public lighting is recommended and the removal of public lighting to the south and west of the playing pitches.
- FI required in relation to boundary treatment between the proposed development and St. Lawrence's College, and boundary treatment to the edge of playing pitches.

#### Building Height

- Proposed 5/6 storey building height is adequately justified having regard to Appendix 5 (Building Heights Performance Based Criteria), PHP 42 (Building Design and Height) and Policy Objective BHS 1 (Appendix 5).
- Proposal acceptable with SPPR 3 of the Guidelines (2018).
- PA acknowledges precedent for taller buildings on the site abutting the N11 and have no objections to height in the proposed development.

### Other Issues

- Proposal is consistent with Section 13.1.2 (Transitional Zoned Land) of the CDP.
- Transportation Dept. and Drainage Division request FI (Refer to PA Other Technical Reports below).
- Planning condition recommended to ensure Part V compliance.
- Waste Management and Construction Management request FI (Refer to PA Other Technical Reports below).
- Limited details are submitted in respect of signage. Addressed by FI.
- Proposal would not significantly impact on Natura 2000 sites.
- EIA not required.

3.4. The Planning Officer's report recommended that the following be addressed by way of further information

1. Ownership details
2. Net density calculation
3. Visual impact of Block E
4. Separation distances for Block A and Block B
5. Mitigate potential overlooking within Block E. Grass strip adjacent to bedrooms.
6. Noise barrier wall.
7. Bulky storage
8. Bin storage
9. Signage

### Open Space

10. Justification for public open space proposed
11. Clearly detail areas of public and communal open space
12. Justify location of detention basin
13. School drop off area

14. MUGA and boundary.

Public Realm and Boundary Treatment

15. Ground floor privacy strips

16. Site Gradients

17. Boundary treatment

18. Noise barriers

19. Wind and Microclimate Assessment

20. Public Lighting

Drainage Planning

21. Green Roof

22. Blue roof storage

23. Drainage for playing pitches

24. Minimum wayleave distance

25. Attenuation tank storage

26. Planting above attenuation tanks

27. Stormwater Audit

Site Specific Flood Risk Assessment

28. SSFRA accepted. Clarify that site is incorrectly within an area of fluvial flood event.

29. Blockage to proposed surface water drainage system.

Uisce Eireann

30. Pre-connection Enquiry

Transportation Planning

31. Revised Traffic Impact Assessment

32. Revised Cycle Audit

33. Omission of proposed School 'drop-off' area

- 34. EV charging parking
- 35. Site layout and access arrangements
- 36. Swept Path Analysis
- 37. NTA confirmation that proposal will not impact Busconnects / Bus Corridor
- 38. Revised site layout incorporating all quality audit amendments
- 39. Detailed Construction Management Plan
- 40. Suitability of proposed construction access point

3.5. The Planning Officer's second report dated 17<sup>th</sup> December 2025 assesses the further information received.

The Planner's Report notes that the majority of FI items above are adequately addressed, however the following items need to be addressed by clarification of further information (CFI).

- FI Item no. 2 – Net density calculation
- FI Item no. 4 – Separation distances
- FI Item no. 6 – Noise (noise barrier and integration with open space)
- FI Item no. 10 – Open Space justification
- FI Item no. 11 – Boundary treatment (delineating communal and public open space)
- FI Item no. 14 – Boundary treatment (playing pitches and MUGA)
- FI Item no. 17 – Boundary treatment (Site perimeter)
- FI Item no. 18 – Noise Barrier (Height and location)
- FI Items 21 – 29 – Drainage
- FI Item 35 – Site Layout / Access arrangements

3.6. The PA, having regard to the submitted clarification of FI, recommended that planning permission be granted, subject to conditions.

3.6.1. Other Technical Reports

- Drainage Planning:** Further information sought for (a) green roof (b) blue roof storage, (c) drainage for playing pitches, (d) minimum wayleave distance, (e) attenuation tank storage, (f) planting above attenuation tanks, (g) stormwater audit, and (h) surface water network calculations, and for flood risk assessment (1) clarify that site is incorrectly within an area of fluvial flood event, and (2) blockage to proposed surface water drainage system. Clarification of further information (CFI) sought for (a) QBAR calculations, (b) green roof calculations, (c) storage capacity of attenuation tanks, and (d) positioning of trees 2m from attenuation tanks. Following review of CFI submission permission recommended subject to conditions.
- Transportation Planning:** Further information sought for (a) traffic impact assessment, (b) cycle parking provision, (c) omission of school drop-off, (d) car parking spaces, (f) site layout, permeability and connectivity, (g) alternative emergency access off N11, (h) NTA confirmation no impacts on Busconnects / QBC, (i) quality audit, (j) swept path analysis, (k) construction management plan, (l) construction vehicular access point. Clarification of further information (CFI) sought specifically for existing pedestrian / cyclist link from the existing St. Laurence College to the N11. The Transportation Planning are not in favour of the closure of this link having regard to SLO 149. Following review of CFI submission planning permission is recommended subject to conditions.
- Environmental Enforcement:** Development acceptable subject to the following conditions (a) Outline construction management plan, (b) Resource and waste management plan, (c) operational waste management plan, (d) noise impact assessment, (e) public liaison plan, and (f) pest control plan.
- Environmental Health Office:** Further information sought for (a) construction environmental management plan, and (b) noise impact assessment. Following receipt of FI planning permission is recommended subject to conditions.
- Housing Dept.:** Recommended that a condition is attached to a grant of permission requiring that the applicant / developer enter into an agreement with Part V of the Act.



- **Public Lighting.:** Further information sought for (a) higher lighting levels and (b) removal of lighting around two sides of green field as not a desire line for public transport.
- **Parks Dept.:** FI and CFI requested to address (a) material specifications for public open space and communal open space, (b) reduction in width of public footpaths in proposed communal open spaces to the south-west, (c) details of construction playing pitch, (d) improved boundary treatment to playing pitch. Following receipt of FI planning permission is recommended subject to conditions.
- **Biodiversity Report:** Proposal acceptable subject to conditions.

### 3.7. Prescribed Bodies

- **TII:** Proposal have regard to DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system.
- **Uisce Éireann:** FI requested. The applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to assess the feasibility of connection to the public water/wastewater infrastructure. Following submission of FI, proposal deemed acceptable subject to conditions.
- **NTA:** The proposal is acceptable, including amendments to address the PA's FI, item no. 36 (swept path analysis) and item no. 37 (no impacts to Busconnects / Bus Corridor).

### 3.8. Third Party Observations

3.8.1. The PA received a large number of third-party observations, and the issues raised in these objections are summarised as follows;

- Principle of Development (Land use zoning)
- Nature of Proposed Uses
- Lack of car parking and traffic generated

- Traffic Congestion and Safety, Accessibility
- Construction traffic
- Pedestrian access to N11
- Access through housing estate
- Planning history
- Excessive Height
- Density
- Visual Impact
- Loss of Sunlight / Shadowing to Wyattville Park
- Loss of Privacy to Wyattville Park
- Public Participation
- Loss of community amenities / open space / green space
- Design
- Ownership of footpath
- Reduction in property prices
- Failure to address Housing Needs
- Water / sewage / drainage issues
- Biodiversity loss
- Lack of access to amenities for proposed residents

## 4.0 Planning History

### 4.1. On site

- D23A/0805

4.2. Permission **REFUSED** by DLRCC on the 20<sup>th</sup> of February 2024 for 124 no. apartment units for an Assisted Living Facility and a transitional care home facility with 177 no. bedrooms. The development also included a childcare facility, local

medical facility, community room and café / tearoom. The reasons for refusal included (1) the proposed development fails to demonstrate compliance with the requirements of Section 12.3.2.1 'Development within Sustainable Neighbourhood Infrastructure' and is therefore contrary to the CDP, (2) the proposal, given the absence of communal facilities and amenities expected within assisted living developments, fails to comply with Policy Objective PHP 35 'Healthy Placemaking' and PHP 36 'Inclusive Design and Universal Access' of the CDP, (3) the removal of the existing astro-turf pitch and the playing pitches is contrary to policy objective OSR 10 and the CDP, and (4) the development, as proposed, is considered to be contrary to Section 12.3.8.2 Nursing Homes/ Assisted Living Accommodation, which requires that residents should have reasonable access to local services.

- **ABP-310882-21**

4.3. The Board **REFUSED** permission for Strategic Housing Development on the 8<sup>th</sup> of November 2021 for the demolition of the existing astro-turf facility and the construction of a Build-to-Rent residential development comprising of 256 no. apartments in 4 no. blocks ranging in height from 1 to 8 no. storeys above ground level including, and connected by single storey podiums, and non-residential uses such as creche, café and astro-turf pitch. The reasons for refusal are as follows.

1. Having regard to the design and layout of the development and the proposed treatment of the public and communal spaces within the scheme, it is considered that the proposed development will have an overbearing impact on adjacent residential properties at Wyattville Park, fails to integrate successfully with the public realm at Wyattville Park and St. Laurence College and does not make a positive contribution to the character and identity of the area. The development would therefore seriously injure the amenities of residential properties at Wyattville Park and is considered to contravene Policy UD1 of the Dun Laoghaire Rathdown County Development Plan 2016-2022, which seeks to ensure that all development is of high-quality design that assists in promoting a 'sense of place'. The development would also fail to respond satisfactorily to the provisions of the "Urban Design Manual – a Best Practice Guide" issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential

Development in Urban Areas, in particular Criteria nos. 1 Context, 6 Distinctiveness, 7 Layout, 8 Public Realm and 12 Detailed Design. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development fails to meet the criteria set out in 3.2 of SPPR 3 as set out within Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018, in that at both town and streetscape level, the proposed development fails to successfully integrate into the existing character of the area, given the overbearing relationship with adjacent residential properties at Wyattville Park and the poor quality of public realm at the north eastern end of the site, where the development interacts with Wyattville Park and St. Laurence College. The proposed development, therefore, would result in a visually dominant and overbearing form of development when viewed from the public realm and does not provide the optimal design solution for the site. The proposal would, therefore, be contrary to the Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018, and would be, therefore, be contrary to the proper planning and sustainable development of the area

## **5.0 Policy Context**

### **5.1. The National Planning Framework – First Revision (April 2025)**

Several national policy objectives (NPOs) are applicable to the proposed development. These include NPO 7 (compact growth), NPO 9 (compact growth), NPO 12 (high quality urban places), NPO 22 (standards based on performance criteria), NPO 40 (meeting the needs of older people), and NPO 45 (increased density).

### **5.2. Eastern Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019 – 2030**

This RSES provides a high-level development framework for the Eastern Region that supports the implementation of the National Planning Framework (NPF). The vision

of the RSES is to create a sustainable competitive region that supports the health and well-being of people and places, with access to quality housing, travel and employment opportunities for all.

The following objectives are relevant.

- RPO 3.2 and RPO 3.3 seek to promote compact urban growth through development plan core strategies setting targets (at least 50% of new homes) within or contiguous to built-up areas and identifying regeneration areas (infill/brownfield) in line with ministerial housing guideline.
- RPO 4.3: Consolidation and Re-Intensification - Support 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 and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

### 5.3. Section 28 Ministerial Planning Guidelines

Note: Circular Letter NSP 03/25 confirms that the Design Standards for New Apartments, Guidelines for Planning Authorities (2025) are not applicable to the current development before the Commissioners. The Apartment Guidelines (2025) are applicable to any application for planning permission or to any subsequent appeal or direction application to An Coimisún Pleanála submitted after the issuing of the Guidelines, i.e. from 9<sup>th</sup> July 2025.

The Design Standards for New Apartments, Guidelines for Planning Authorities (2023) applies to current appeals or applications that were the subject of consideration within the planning system on or before the 8<sup>th</sup> of July 2025.

The relevant guidelines for the proposed residential development include the following:

- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2023 (Apartment Guidelines). Applicable policy for the proposed development includes:
  - Standards and requirements of SPPR 1 (Unit mix can include up to 50% 1 bedroom units), SPPR 2 (discretion of standards on a case-by-case basis for certain building schemes) SPPR 3 (minimum floor areas,

and by reference to Appendix 1, minimum storage, private open space areas for apartments), SPPR 4 (50% to be dual aspect units in suburban locations).

- Chapter 4 provides guidance in respect of communal facilities in apartments.
- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024. Applicable policy for the proposed development includes:
  - Section 3.4: contains Policy and Objective 3.1 which requires that the recommended density ranges set out in Section 3.3 (Settlements, Area Types and Density Ranges) are applied in the consideration of individual planning applications.
  - Section 5.3: includes achievement of housing standards as follows:
    - SPPR 1 – Separation Distances (minimum of 16m between opposing first floor windows).
    - Policy and Objective 5.1 which recommends a public open space provision of between 10%-15% of net site area, exceptions to this range are outlined.

Section 5.3.4 'Car Parking – Quantum, Form and Location' sets out that the car parking approach should take account 'of proximity to urban centres and sustainable transport options, to promote more sustainable travel choices. Car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport'

- SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).
- Section 5.3.7 – Daylight indicates that a detailed technical assessment is not required in all cases, regard should be had to

standards in the BRE 209 2022, a balance is required between poor performance and wider planning gains, and compensatory design solutions are not required.

Other relevant Section 28 Guidelines includes;

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).

#### 5.4. **Dun Laoghaire-Rathdown County Development Plan, 2022 – 2028.**

- 5.4.1. The appeal site is zoned 'Objective SNI' and the stated objective for such land use is *'to protect, improve and encourage the provision of sustainable neighbourhood infrastructure'*.

The following are **permitted in principle** uses within the SNI land use zoning;

- Assisted Living Accommodation, Car Park(a), Community Facility, Childcare Service, Cultural Use, Doctor/Dentist etc., Education, Health Centre/ Healthcare Facility, Hospital, Open Space, Place of Public Worship, Sports Facility, Public Services, Transitional / Step-Down Medical / Rehabilitation Services, Veterinary Surgery.

The following are **open for consideration** uses within the SNI land use zoning;

- Allotments, Caravan/Camping Park-Holiday, Cemetery, Civic Facility, Conference Facilities(a), Craft Centre/Craft Shop(b), Incubator Unit(c), Office(a), Office-Based Industry, Leisure Facility, Shop Neighbourhood(b), Residential, Residential Institution, Tea Room/Café(b), Travellers Accommodation.
  - a. Only as an ancillary component of and directly connected to the primary use.
  - b. As a component part of sustainable neighbourhood infrastructure.
  - c. Only as an ancillary component of and directly connected to the primary use where the primary use is as a hospital or a Further Education Institution.

5.4.2. Section 13.2 'Definition of Use Classes' defines 'Assisted Living Accommodation / Retirement Homes' as follows.

*'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'.*

5.4.3. Specific Local Objective 149 is relevant to the appeal site, and states the following;

*'To establish a new pedestrian walkway that retains the established permeability from the N11 through the lands at St Laurence to the Wyattville Park estate in Loughlinstown. A walkway shall be retained until this specific new SLO is achieved'.*

5.4.4. Chapter 4 – Neighbourhood – People, Homes and Place

The following policies are relevant to the proposed development;

- Policy Objective PHP2: Sustainable Neighbourhood Infrastructure, states as follows:
  - Protect and improve existing sustainable neighbourhood infrastructure as appropriate.
  - Facilitate the provision of new sustainable neighbourhood infrastructure that is accessible and inclusive for a range of users consistent with RPO 9.13 and RPO 9.14 of the RSES.
  - Encourage the provision of multi-functional facilities, space and lands in the delivery and/or improvement of sustainable neighbourhood infrastructure.
- Policy Objective PHP18: Residential Density
- Policy Objective PHP20: Protection of Existing Residential Amenity
- Policy Objective PHP27: Housing Mix
- Policy Objective PHP30: Housing for All
- Policy Objective PHP36: Inclusive Design and Universal Access
- Policy Objective PHP42 Building Design & Height



#### 5.4.5. Chapter 9 – Open Space, Parks and Recreation

The following policies are relevant to the proposed development;

- Policy Objective OSR9 – Sports and Recreational Facilities
  - *It is a Policy Objective to promote the provision, and management of high quality sporting, and recreational infrastructure throughout the County, in accordance with the National Sports Policy 2018-2027, and dlr Space to Play: a new approach to Sports Facilities Strategy', 2017-2022, to ensure that the particular needs of different groups are incorporated into the planning and design of new facilities.*
- Policy Objective OSR10 - Protection of Sports Grounds/Facilities
  - It is a Policy Objective:
    - *To ensure that adequate playing fields for formal active recreation are provided for in new development areas.*
    - *That existing sports facilities and grounds within the established urban area are protected, retained, and enhanced.*
    - *To increase the number of playing pitches in the County.*
    - *To maximise the use of playing pitches in the County and for playing pitches to be utilised seven days a week, subject to protecting adjoining residential amenity.*

#### 5.4.6. Chapter 12 – Development Management

- 5.4.7. Section 12.3.1 'Quality Design' advises that a core aim of land-use planning is to ensure that new residential developments offer a high-quality living environment for residents, both in terms of the standard of individual dwelling units and in terms of the overall layout and appearance of streets and outdoor spaces.
- 5.4.8. Section 12.3.1.1 'Design Criteria' advises that an objective of the Plan is to achieve high standards of design and layout to create liveable neighbourhoods. The following is relevant criteria for the proposed development.
- Land use zoning and specific objectives
  - Density - Higher densities should be provided in appropriate locations.

- Site configuration, open space requirements and the characteristics of the area will have an impact on the density levels achievable.
- Quality of the proposed layout and elevations, layouts, elevations, and plan form must be designed to emphasise a 'sense of place' and community, utilising existing site features, tree coverage and an appropriate landscape structure.
- Levels of privacy and amenity, consideration of overlooking, sunlight/daylight standards and the appropriate use of screening devices.
- Quality of linkage and walking and cycling permeability – to adjacent neighbourhoods and facilities
- Accessibility and traffic safety
- Quantitative standards
- Safety and positive edges to the public realm - opportunities for crime should be minimised by ensuring that public open spaces are passively overlooked by housing and appropriate boundary treatments applied.
- Quality of proposed public, private, and communal open spaces and recreational facilities
- Quality of the pre-existing environmental sound environment.
- Context
- Variety of house types and unit size.
- Roofscape, plant and green roofs.

5.4.9. Section 12.3.2 'Sustainable Neighbourhood Infrastructure' is relevant to the proposed development, and Section 12.3.2.1 advises that proposals within SNI lands shall:

- Demonstrate how the proposal will protect and/or improve existing SNI facilities.
- Retain the recreational value of the SNI zoning objective
- Incorporate measures to improve public use of the site
- Be well-designed having regard to site context

- Complement the existing SNI facilities and uses
- Adequately protected amenities enjoyed by the SNI use
- Share facilities as appropriate
- Justify any non-SNI uses

#### 5.4.10. Section 12.3.5 – Apartment Development

This section includes guidance on dual aspect apartments, separation between blocks, internal and external storage, minimum floor areas, additional apartment design requirements.

#### 5.4.11. Section 13.3.8.2 ‘Nursing Homes / Assisted Living Accommodation’ includes criteria to be considered in planning applications for such development.

#### 5.4.12. Section 12.4 – Transport

- The appeal site is located within Parking Zone 2.
- Table 12.5 ‘Car Parking Zones and Standards’ sets out the car parking requirements by development type.
- s. 12.4.5.2 (i) includes ‘Assessment Criteria’ for deviation for car parking standards.

#### 5.4.13. Section 12.8 ‘Open Space Quality for Residential Development’ provides guidance on public, communal and private open space provision.

#### 5.4.14. Appendix 5 – Building Height Strategy

The following policy objectives are relevant to the proposed development

- Policy Objective BHS 1 – Increased Height
- Policy Objective BHS 3 – Building Height in Residual Suburban Areas

### 5.5. **Proposed Variation no. 1 to the Dun Laoghaire-Rathdown County Development Plan, 2022 – 2028.**

#### 5.5.1. On April 21st, 2026, the Elected Members agreed, by resolution, to make the proposed variation no. 1 with material alterations. In accordance with Section 13 (6) of the Planning and Development Act 2000 (as amended), Material Alterations to Proposed Variation No.1 of the County Development Plan 2022-2028 is now on

Public Display for a period of 4 weeks from Thursday 28th May 2026 to 26th June 2026 inclusive.

5.5.2. The Variation no.1 is proposed to partly respond to the recent changes introduced by the NPF Implementation – Housing Growth Targets (2025), the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024) and the Design Standards for New Apartments, Guidelines for Planning Authorities (2025). There are no direct amendments to the SNI Zoning Objective of the appeal site.

#### 5.6. **Natural Heritage Designations**

- Rockabill to Dalkey Island SAC (Site Code 003000) - 3 km east
- Dalkey Islands SPA (Site Code 004172) – 4 km northeast
- South Dublin Bay SAC (Site Code 004024) – 5.3 km north
- Dalkey Coastal Zone and Killiney Hill pNHA (Site Code 001206) – 1.6 km east
- Loughlinstown Woods pNHA (Site Code 001211) – 0.38 km southeast

### 6.0 **EIA Screening**

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

### 7.0 **The Appeals**

#### 7.1. **Third Party Appeal**

The grounds of the third-party appeal maybe summarised as follows:

##### Principle of Development

- The location is unsuitable for the proposed development.

- Inadequate provision of services and facilities in the proposal to accommodate the residential profile of the assisted living units.
- The nearest shopping centre (Ballybrack Shopping Centre) is not easily accessible from the site.
- The proposal does not provide reasonable access to local services as required in Section 12.3.8.2 (Nursing Homes / Assisted Living Accommodation) of the CDP.
- Proposal fails to achieve the standards of CDP Section 12.3.8.2
- The Commission are referred to the wide range of facilities proposed in the previous application (ground floor of Block A and Block B) and not included in this proposal.
- The Council previously concluded that having regard to the aging population that the subject site was not in close proximity to key amenities and services. The same applies in the current proposal.

#### Contrary to SNI Zoning

- Residential development is only open for consideration in the SNI zoning objective.
- The proposal is contrary to section 12.3.2.1 (Development within SNI Lands) and Section 12.8.3.2 (Communal Open Space) of CDP.
- The potential for the college to expand in the future will be impeded.
- The proposed public open space provision, either 16% (as indicated in the design statement) or 17% (indicated in FI response) would fail to comply with the requirements of section 12.3.2.1 of the CDP.
- Policy Objective 5.1 of the Compact Settlement Guidelines (2024) would not apply to the SNI zoning objective. This is not an SPPR.
- Concerns that SLO149 cannot be achieved on the site due to the poor urban design of the site, due to Blocks A and B extending across the visual alignment of the western pedestrian pathway.

### Contrary to Section 12.3.1 and Objective OSR10

- The proposal has failed to adequately address Policy Objective OSR10, which was a refusal reason in the 2023 application.
- There is a significant reduction in available sports facilities on site and as such the proposal forms a material contravention of Objective OSR10 of the CDP.

### Nature of Uses

- Unclear how the ground floor uses associated with Block A and Block B will be available for residents and the school.
- The calculation of amenity space submitted in drawing no. PL\_100 is inaccurate.
- The Assisted Living Units are no different to apartments, and therefore not consistent with the SNI zoning objective.
- The proposed uses are not consistent with Policy Objective PHP2 (SNI Lands) of CDP.

### Planning History

- In relation to previous SHD application<sup>1</sup> there was a failure to integrate with surrounding area, particularly the residential properties in Wyattville Park.
- Although heights are lower in the current application the overall massing has significantly increased as it relates to Wyattville Park to the east.

### Traffic Hazard

- The proposed access is via the already overburdened Wyattville Road.
- The proposed 97 no. car parking spaces is inadequate, and amounts to 50% of the maximum required parking in the CDP.
- In addition to resident parking requirements the proposal will need staff parking and emergency parking, and access for mobility scooters and wheelchair users.

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<sup>1</sup> ABP Ref. ABP-310882-21

- The intensive use of the college grounds for GAA and other matches already causes significant parking demands in the Wyattville estate.
- The significant reduction in car parking in the college (reduced by approximately half) will have adverse impacts on the Wyattville estate, and the under provision of car parking in the proposal will compound this.
- The allocation of car parking spaces to the proposed uses is unclear.
- The proposal will result in overspill car parking.
- The provision of 5 no. spaces for accessible parking, having regard to the proposed age profile is inadequate.
- The nearby public transport is unsuitably located on the opposite side of the N11, for residents travelling to the city centre.
- The overflow car parking is envisioned as 80+ cars onto the Wyattville estate.

#### Inadequacy of Transportation Assessment

- The Traffic submission, from Traffic and Transport experts, that accompanies this appeal notes the following.
  - Car parking in the Wyattville estate reduces the estate to single lane traffic in many locations.
  - Severe traffic congestion occurs at peak times, with traffic backing up to Wyattville Park and Wyattville Hill junction, and delays of 30mins reported.
  - No alternative to school-drop off parking and parking for the playing fields will result in significant overspill parking in the Wyattville estate.
  - The location of the proposed access has junction visibility concerns.
  - The assessment significantly downplays the increasing traffic within the Wyattville estate, estimated as an AM peak hour traffic increase of 37% and PM peak hour traffic of 42%, representing significant increases.
  - No proposals to address Appendix A (Traffic and Transport Assessment) that the Wyattville estate access arm off the signalised

junction currently suffers high delays and traffic demand exceeding arm capacity.

- The Traffic Survey inaccurately identifies peak times of the two junctions submitted were between 8am–9am, and 5pm–6pm, which does not reflect peak traffic flows at the end / start of the school day or when activities occur in the school / Kilboggett Park.
- Road widths and the severity of the bends within the Wyattville estate are inadequate to serve 3, 4 and 5 axle vehicles.
- Emergency vehicles would be required to traverse the opposite line of traffic at several points in the Wyattville estate.
- The inadequacy of the Wyattville estate to accommodate emergency vehicles was acknowledged by the Commission in the previous SHD application.
- Service and non-emergency traffic will need to continue to traverse the inadequate estate roads of Wyattville.

#### Negative Impact on Residential and Visual Amenity

- Massing of Blocks A – E will have a negative impact on residential and visual amenity.
- Proposed blocks will be overbearing when viewed from Wyattville Park to the southeast.
- Proposed blocks will be greater in height and mass than that refused previously.
- The degree of glazing will result in overlooking of the houses within Wyattville Park to the southeast.

#### Noise Impacts

- An acoustic assessment accompanies this appeal and raises serious concerns in relation to residential amenities of future residents of the development.



- The noise report that accompanied the application (the CLV report) identified traffic noise at the nearest elevation of the development as 73dB LAeq 16-hr.
- This level is based on incorrect position of the sound level meter microphone over a 24-hr period. Microphone placement guidance is contained in EN ISO 1996-2:2017.
- A 3dB(A) as a result of the doubling of traffic would be extremely undesirable.
- Alternative methods for traffic measurement which can address security concerns.
- The incorrect placement of the microphone for the 24-hour period is used by the applicant to incorrectly calibrate the noise contour maps provided.
- The microphone position was set at 1.4 metres high, and the noise contour map is calculated from 4m high data. The position of the microphone height should have been 4-metres high.
- The assumptions made advocating complete compliance with good guidance documents are devoid of any workings. Workings are necessary where traffic noise levels are extremely high.
- The use of partial height barriers and landscaping will be insufficient.
- The measurement data was obtained in December 2023 and issued in report format in December 2024.
- The assessment does not include any prediction of traffic noise levels into the future.

#### Inadequacy of Design

- The draft publication, Design Guide for Long Term Residential Care (2025) recommends
  - Outdoor space for all levels of transitional care
  - Balconies should be at least 1,500mm/1,800mm with high safety balustrades.
  - Fully enclosed winter garden / balcony with 1,800mm high safety glazing to be provided at all levels.

- A 6-storey building on an elevated site, is totally inappropriate design approach and contrary to these guidelines.
- Proposal is contrary to Policy Objective PHP 35 (Healthy Placemaking) and PHP 36 (Inclusive Design) of the CDP.

#### Inadequacy of Assessments

- The adequacy of the AA is questioned given the sites proximity to Natura 2000 sites within Dublin Bay.
- In terms of water quality, storm water will outfall into the Kill O The Grange Stream, however the application states that the storm water will outflow to the 'Carrickmines Stream', which does not appear on the EPA website.
- Examination of Uisce Eireann drawings indicate that the storm water network flows northwards and outfalls to the Kill O The Grange Stream, where Wyattville crosses this stream.
- The Kill O The Grange Stream is classified as 'poor status' and the stream cannot accept further pollution given the definition of 'deterioration'. The applicant has not provided any information on the impact of water quality.
- The correctness of not undertaking an EIA Screening Assessment Report is questioned. In the previous SHD application an EIAR Screening Report was undertaken. The proposal has therefore failed to have adequate regard to the EIA Directives.
- The cumulative impact of the proposal has not been adequately considered.

## **7.2. First Party Appeal**

The first party appeal relates specifically to Condition 2 (a) of the PA Planning Permission. The grounds of the first party appeal maybe summarised as follows:

- The appellant seeks the revision of PA condition no. 2 (a). Condition no. 2 (a) restricts residents of the assisted living units to 65 year and over (65+).
- The condition does not align with market demand and national precedent.
- National policy supports age-appropriate housing from age 55 onwards.

- The proposed development is designed for independent or semi-independent residents, a cohort that commonly includes persons 55+ years.
- The imposition of 65+ years undermines the viability of the development.
- The condition is not required to achieve proper planning and sustainable development.
- The condition is overly prescriptive and inconsistent with comparable permitted developments.
- It is requested that the condition is amended to permit occupancy for the 55+ age cohort.
- The development will be operated by FOLD Housing, an approved housing body, which supports independent living for the aging population and helps residents avoid isolation, and offers an alternative to nursing homes.
- The organization operates several facilities across Dublin and Ireland, and it is standard practice to provide accommodation for persons 55+.
- There are numerous developments that provide accommodation for persons aged 55+ years, which serve as clear precedents for the proposed development. This includes.
  - PA Ref. WEB1287/25 – Condition no. 5 limited the use of the development to persons aged 55+.
  - ABP Ref. 314040 – Condition no. 3(b) limited to the use of the development to persons aged 55+.
  - ABP Ref. 319559 – Condition no. 3(b) limited to the use of the development to persons aged 55+.
  - LA Ref. 4067/24 – No condition attached. However, applicant operates this specialised older person housing development for 55+.
  - Captains Place, Dublin 12 – The entire development is fully designed to the universal design guidelines, and the needs of older residents are fully considered.

- Condition 2 (a) is not necessary for the purposes of proper planning and sustainable development and is overly restrictive.
- It is requested that the condition is revised to permit occupancy by persons 55+ years.

### **7.3. Applicant's Response to Third Party Appeal**

7.3.1. The following is a summary of the applicant's response to the third-party appeal.

#### Principle of Development

- The proposal complies with Section 12.3.8.1 of the CDP and the Policy Statement 'Housing Options for Our Ageing Population' 2019.
- The following facilities are provided on-site in Blocks A, B and C;
  - Gym, arts and crafts room, library, oratory, cinema/presentation room, communal sitting room, consultation rooms, multi-functional room, tea rooms, communal kitchen and dining room, and communal social rooms.
- The provision of 3 no. consultation rooms in Block A will facilitate GP appointments and health practitioners. This approach is consistent with national policy, allowing community care.
- The quality of communal support and facilities is significantly enhanced relative to the previous application on the site.
- The current proposal includes an age assisted living environment.
- Local services include Ballybrack Shopping Centre, which is 800m from the site, circa 11-minute walk.
- The site is also 450m from existing bus stops on routes 7 and 111.
- Ballybrack Village is located 900m from the site, which includes a wide range of services.
- Loughlinstown Health Centre and Loughlinstown Leisure Centre is located 700m from the site.

- The site is located adjacent to the N11 corridor and provides high frequency bus services, including the E1 service to Cornelscourt.
- Most supermarkets and pharmacies provide delivery services.
- The proposal therefore has access to comprehensive on-site facilities and existing community infrastructure.
- The proposal meets the criteria of Section 12.3.8.2 of the CDP, as follows:
  - Located in a mature residential area with access to services.
  - No impact on the amenity of existing dwellings.
  - 31.6% communal space / open space provided. 61.6% open space with inclusion of football and MUGA pitches.
  - Adequate car parking spaces provided.
  - The level of parking reflects the nature of the use and proximity to public transport.
  - The finished materials have been carefully considered.
  - Due to the quantum of open space, the development is suitably scaled.
  - Good public transport accessibility and footpath links.

#### SNI Zoning

- The quantum of public open space is 17.6% (3,488 sq. m.).
- CDP Section 12.3.2.1 allows a derogation where an existing facility is located within a more urban, mixed-use setting.
- The shortfall in open space is justified as the proposal includes measures to improve public use of the site and the facilities. The proposal improves the walking and cycling permeability and accessibility of the site with the wider area.
- The proposal also plays a significant role in bringing an underutilised parcel of land into service for public and community gain.

- The quantum of public open space, including existing football pitch and MUGA pitches, brings the quantum of communal open space to 2,910 sq. m, significantly above the required 678 sq. m.
- Policy Objective 5.1 of the Compact Settlement Guidelines (2024) allows for reduced open space provisions for residential development, noting that 10% shall apply to residential and mixed-use developments.
- The Guidelines also advise that where a shortfall exists that a PA may request a financial contribution in lieu. Applicant willing to make a financial contribution.
- Should the Commission consider that the proposal materially contravenes the CDP, permission can be granted having regard to Section 37(2) of the Act.
- The site currently includes a football pitch, a former pitch, now overgrown and a run-down astro turf pitch. The proposal maintains the existing pitch, provides 2 no. new MUGA pitches, and provides quality open space throughout the site.
- The school's Board of Management support the proposal.
- The approved design was altered to ensure adequate space for school expansion.
- The proposal supports the school's growth by providing much needed facilities, including two new MUGA pitches, multi-functional facility, tea rooms, café and kitchen
- The MUGA pitches allow the school to benefit from a rental income from sports clubs using the facilities outside school hours.
- The proposal is compliant with SLO 149.
- The existing walkway runs along the football pitches western boundary, is unlit, littered, not overlooked and unsafe after dark, attracting anti-social behaviour.
- The proposed new route provides improved permeability, with public lighting, new planting and overlooking of the assisted living units.

- Pedestrians can use the alternative route that runs alongside the car parking areas, however signage will direct users to the landscaped path.

#### Section 12.3.2.1 and Objective OSR10

- The proposal includes the retention of the existing football pitch, owned by the school, and provision of two MUGA pitches, for use of the school and local clubs.
- The field on which the proposed development is located was not a playing field when purchased by the applicant in December 2021.
- It was not a playing field when the CDP was adopted in 2022. The field was owned by the school and never had public access.
- The former playing field is now akin to a scrub meadow.
- Policy objective OSR 10 which seeks to retain existing pitches does not apply in this instance. The proposal is therefore not inconsistent with this policy.
- The proposal is consistent with SNI objectives as the development protects, enhances, and integrates existing community facilities.
- The proposal identifies existing uses within the wider St. Laurence College area.
- The proposal maintains the overall recreational value of the site.
- Public open space in excess of 20% is proposed.
- Enhanced access to the facilities is proposed.
- The development is designed to a high architectural standard.
- The proposal includes facilities with potential for sharing with the wider community.
- The on-site amenities are protected by appropriate design to prevent noise, overlooking and loss of daylight / sunlight.
- The proposed uses support the overall community and social infrastructure function of the site consistent with the SNI objective.

#### Traffic Hazards

- The response to the appeal includes a technical report by consulting engineers and responds as follows.
  - The appellant has not included any detailed traffic impact assessment (TIA) to support the assertion that the proposal will have a profound negative traffic impact on the Wyattville Estate.
  - The report provided by the appellant's traffic consultants is not a detailed traffic impact assessment, more a commentary on the applicant's TIA.
  - 97 car parking spaces provided, and the reduction of private vehicle usage is consistent with the Climate Action framework.
  - The level of parking reflects the nature of the use and proximity to public transport.
  - The Commission are referred to Table 5.1 of the Engineering Infrastructure Report which demonstrates CDP compliance in respect of car parking provision.
  - The proposed car parking is consistent with operators on other projects.
  - The existing junction of Wyattville Estate and Wyattville Road is not overburdened nor heavily restricted. No traffic data provided to justify appellant's claims.
  - The proposal provides 50% of the maximum allowed car parking provision consistent with that used by operators elsewhere and reflects the level of car use for the uses proposed.
  - Ambulances will be accommodated within the set down areas throughout the development.
  - Mobility scooters are not vehicles, rather personal mobility devices.
  - The entire development is designed to Part M of the Building Regulations and subject to a Disability Access Certificate to the Council.
  - Parking for the college building and playing field will be accommodated in the college grounds.



- Accessible parking is in accordance with parking standards in the DLRCC CDP.
- There is no technical assessment to support the assertion that the development will result in 80+ overspill car parking in the Wyattville Estate.
- A pedestrian / cycle access is proposed from the development onto the N11 providing good access to the Bus Connects.
- Walking distance from the site to city bound bus stop on N11 is 300m (c. 4 mins) and to south bound bus stop is 150m (c. 2 mins).
- The width of the roads in the Wyattville Estate is compliant with DMURS, as the width of the roads is 5.8m and DMURS recommends 5.0m – 5.5m to reduce traffic speeds.
- Emergency vehicles crossing the centre line is not an issue as the Wyattville Estate is a low traffic speed environment.

#### Noise Impact

- Refer to summary of technical report below.

#### Inadequacy of Design

- The proposed facility has been designed with universal principles to the forefront.
- The Draft Design Guide for Long Term Residential Care are not yet adopted.
- The proposal has been designed in accordance with all relevant and adopted planning guidance.

#### Inadequacy of Assessments

- The appellants claim that the AA Screening is inaccurate is not supported by any facts.
- The applicant's AA Screening concluded that the proposed development does not have any direct or indirect hydrological connections to European sites from the Kill O' the Grange Stream.

- Surface water will be managed via SuDS-based drainage strategy, ensuring controlled discharge and no adverse impacts on downstream quality.
- Any potential for likely significant effects on any European site can be excluded at screening stage.
- The AA Screening is robust, compliant with all relevant legislation and guidance requirements.

7.3.2. The applicant's response also included a report from Noise experts, which can be summarised as follows.

#### Location and Height of Survey Measurement

- The measurement location concern is not warranted as the appellants noise experts is incorrectly based on 10m distance from the edge of the berm and not the edge of the road lane.
- The appellant's location is therefore 4m or 5m further back from the actual location.
- The appellant identifies the measurement height as 1.4m which is incorrect. The actual height is 2.4m above the development lands.
- The 4m height above ground level suggested by the appellant is a height recommended for measuring ambient noise level for two-storey dwellings when carrying noise assessments for new road schemes
- In this case a recommended 4m height would not have a line of sight.
- The microphone height was actually 5m – 6m above the road level with full view of the road level and is sufficient height to eliminate any ground level attenuation.
- The modelled noise contours are consistent with those in the TII and EPA noise mapping.

#### Measurement Length and Procedure

- The measurement length / procedure was carried out in accordance with standard best practice.

- This is the Long-Term measurement procedure and was carried out for this assessment and is more robust approach and requires a continuous measurement for a minimum 24 hour-period.

#### Potential for a 3dB Increase

- There is no valid reason that a 3dB noise increase would give rise to any concerns.
- This is supported by the UK's Design Manual for Roads and Bridges (2020) LA 11 Sustainability and Environmental Appraisal indicates that a less than 3 dB increase is negligible.

#### Future Traffic Increases

- Should N11 traffic volumes double, the increase would be considered minimal and has already been accounted for in the calculation procedure.

#### Survey Dates

- The noise survey was undertaken in December 2023 in advance of the previous application which was refused permission.
- The original noise survey accompanied the subsequent planning application 10 months later. This explains the difference in dates from the noise survey to the planning application lodgement date.

#### Calculations

- The original noise report included internal noise level criteria and then specifies the mitigation measures that are required in order to achieve it.
- The inclusion of individual octave band external noise ingress calculations would significantly overextend the report.
- A mathematical noise formula was used.
- An acoustic consultant will specify the final glazing construction.
- The purpose of the assessment was to demonstrate the relevant best practice.

ProPG Recommended External Noise Level Criteria for External Amenity Areas Exceeded

- The predicted noise levels in the Play Area and Communal Garden Area are predicted to be higher than the recommended 50 – 55 dB (A) range.
- Notwithstanding, this is still compliant with ProPG2017 Guidance and BS 8233. The guidelines advise that exceedance would not be prohibitive provided additional considerations are made in relation to the development.
- The following approach was recommended;
  - 50 – 55 dB (A) range will be designed for locations of the external amenity areas.
  - A relatively quiet, protected amenity space will be incorporated into the development.
  - Sufficient sound insulation will be included in the façade design.
- To ensure compliance with ProPG2017 the following is recommended.
  - Inclusion of a noise barrier for walls for the communal garden areas.
  - Perimeter landscaping for the Play Area along the southern boundaries of all external amenity areas.
  - A quiet protected area in the external amenity space in the form of primary public open space, with predicted ambient noise levels within 50 – 55 dB (A) range.
  - Façade insulation consistent with ProPG2017 Guidance and BS 8233.
- The recommended 50 – 55 dB (A) range is not a requirement as it would make granting planning permission for residential development with external balconies or amenity areas prohibitive.

#### **7.4. Planning Authority Response**

The PA response refers the Board to the previous planner's report and considers that the appeal did not raise any new matter which would justify a change of attitude to the proposed development.

## 7.5. Further Responses

### 7.5.1. Third Party Appellant's Response to First Party Appeal

The following is a summary of the third party's response.

- Condition 2(a) is not onerous and is justified.
- Assisted Living is generally for 65 years and over.
- The submitted precedents are not relevant.
- Condition 2(a) reflects the isolated location of the site and lack of available services.
- Residents of 55 years and over are more akin to general residential developments.
- Inadequate provision of facilities to enable and facilitate assisted living units.

### 7.5.2. Third Party Appellant's Response to First Party's Response Submission

The following is a summary of the third party's response

#### Principle of Development

- Proposal inconsistent with Section 12.8.3.1 of CDP.
- Failure to provide reasonable access to local services.
- The on-site communal uses only relate to social spaces, and no supporting facilities.
- Infrequency of local bus services means the development is not accessible to local services, as required by Sections 12.3.2.1 and 12.3.8.2 of the CDP.

#### SNI Zoning

- Fails to uphold recreational value of the site.
- Fails to demonstrate that proposal will protect / improve existing SNI facilities.
- The MUGA playing pitches will offer little to members of the public.

- Policy Objectives 5.1 of the Compact Guidelines (2024) does not apply.

Contrary to Section 12.3.2.1 and Objective OSR10 of CDP

- No justification for the removal of the existing all-weather playing pitch and replacement with 2no. MUGA facilities.
- Removal of existing all-weather playing pitch results in a reduction of the playing area.
- The MUGA playing pitches offer no potential to be used by clubs and non-school bodies.

Traffic Hazards

- Inadequacy of Wyattville Estate was noted in the previous refused SHD application.
- Proposal should not contribute further to existing parking situation in Wyattville Estate. Development should demonstrate appropriate car parking provision.
- Large service vehicles accessing the development will have difficulty accessing Wyattville Estate during busy periods when queuing is evident.
- Photographic evidence demonstrates traffic congestion up to the Wyattville Park and Wyattville Hill junction.
- Wyattville Road junction regularly leads to congestion.
- A dedicated facility for school drop off should be provided.
- The visibility splay does not appropriately demonstrate visibility is achieved for vehicles approaching from the west.
- No evidence that a TTA Scoping process was carried out.
- Appropriate to assess the impact on the Wyattville Estate Road as well as wider road network.
- TIA should have adequate regard to correct pedestrian cross phase timing.
- Individual arms of the junctions should be reviewed in addition to overall junction operation.

- Signal optimisation may improve the traffic operation junction it will not have an impact on an arm (the Wyatville Estate).

#### Noise Impacts

- Basic errors in the placement of the measurement microphone raises questions about the technical validity of the report constructed on the measurement data obtained at that misplacement.
- The noise level 73dB LAeq 16-hr daytime is already high, and a 3 dB increase would be undesirable.
- Applicant's report should demonstrate how the most exposed dwellings are acoustically protected by appropriate mitigation measures.
- ProPG is not pass / fail guidance more considered good guidance. The applicant acknowledges that a portion of the development will not achieve compliance with the guidance levels.

#### Inadequacy of Design

- 6-storey height inappropriate.

#### Inadequacy of Assessment

- Robustness of the AA Screening Report is questioned.

## **8.0 Assessment**

### **8.1. Introduction**

- 8.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows.

- Principle of Development

- Proposed Uses and Proximity to Appropriate Uses
- Design, Height and Visual Amenity
- Proposed Residential Amenity
- Impact on Established Residential Amenities
- Access, Traffic and Transport
- Condition no. 2 (a)
- Other Matters

## 8.2. Principle of Development

8.2.1. Appeal grounds include the proposal is contrary to SNI zoning objective, as residential development is only open for consideration in the SNI zoning objective, the proposal is contrary to CDP Section 12.3.2.1 (Development within SNI Lands) and fails to achieve the standards of CDP Section 12.3.8.2 (Nursing Homes / Assisted Living Accommodation), and SLO 149 is not achievable on the site.

### 8.2.2. Zoning Objective and Use Classes

The CDP zoning objective for the appeal site is 'Sustainable Neighbourhood Infrastructure' (SNI), and the objective of which is;

*'to protect, improve and encourage the provision of sustainable neighbourhood infrastructure'.*

8.2.3. Appropriate use classes in the SNI zoning objective that are permitted in principle and open for consideration are listed in CDP Table 13.1.7, which I have referenced in para 5.4.1 above. I would note, having regard to Table 13.1.7 of the CDP, that the uses '*Assisted Living Accommodation*' is permitted in principle and that '*residential institution*' is open for consideration within the SNI zoning objective.

8.2.4. The proposed development is to comprise of an 'Assisted Living Facility' consisting of 119 no. units and a transitional care home providing 180 no. bedspaces.

8.2.5. In terms of use classes, the proposed uses the subject of this development proposal are permissible in principle and open for consideration, and I am therefore satisfied that the development is consistent with the SNI zoning objective of the CDP.



#### 8.2.6. Compliance with Section 12.3.2.1 'Development within SNI Lands' of CDP

Section 12.3.2.1 of the CDP outlines specific criteria for which development proposals on lands zoned 'Sustainable Neighbourhood Infrastructure' shall comply with, and I have considered this relevant criterion in the table below to ascertain whether the proposed development is compliant with Section 12.3.2.1 of the CDP.

| SNI Objective                                                                                                                                                                                                                                                                                                                                             | Proposed Development                                                                                                                                                                                                                                                                                                                                      | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <p><i>Shall be required to identify all existing and any permitted uses/structures within the overall SNI zoning objective lands of which the proposal is a part and demonstrate how the proposed development will protect and/or improve existing SNI facilities and uses including their associated amenity / recreational facilities and uses.</i></p> | <p>The masterplan for the school, as contained in the applicant's submitted Architectural &amp; Urban Design Statement confirms that the design of the development dovetails with the schools' future plans, and includes the provision of a permeable public walkway through the site, and provision of the MUGA sporting facility to the northwest.</p> | <p>I would acknowledge that the Architectural &amp; Urban Design Statement confirms that the 2 no. MUGA facilities will positively complement the existing adjoining 2 no. grassed school playing pitches in the same part of the site.</p> <p>I would note that the 2 no. MUGA pitches will provide modern year-round sporting facilities and will be new shared facilities in these SNI-zoned lands, which will be owned and managed by the school and available for the school and local sporting clubs.</p> <p>A letter accompanying the application, from Siol School Trust, confirms they are satisfied with the application and that the proposed development would not have a negative effect on the amenity of the school.</p> <p>A letter from the schools Board of Management (dated 20<sup>th</sup> January 2026) on the file in response to CFI Item no. 3 confirms that the school currently operates established dual-use sports facilities with structured community</p> |

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|                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                          | <p>access and that this arrangement will continue. 2no. MUGA pitches are to be provided within school property, remaining under the ownership, management and insurance of the school, with controlled and pre-booked community use outside school hours in accordance with Department of Education guidelines.</p> <p>I am therefore satisfied that the proposed development will protect and/or improve existing SNI facilities and therefore would satisfactorily comply with the relevant criteria.</p>                                                                                                                                                                                                                |
| <p><i>Without prejudice to the above, shall maintain the recreational value of the overall SNI zoning objective lands of which the proposal is a part by retaining 20% or more usable open space in development proposals. A derogation may only apply where an existing facility is located within a more urban, mixed-use setting. Such facilities and uses will typically be as identified by SLO 10 and SLO 22.</i></p> | <p>The applicant's response to the third-party appeal confirms that the public open space, communal open space and open space for the care home exceeds the 20% threshold for the overall site area.</p> | <p>Refer to paragraph 8.5 below.</p> <p>The public open space provision includes a component situated to the north of the proposed development (450 sq. metres) and along the western side of the site layout a larger public open space provision (3,038 sq. m.), therefore totalling of 3,488 sq. m.</p> <p>In addition to the public open space referred to above, the site area also includes the existing playing pitches (11,512 sq. m.), and the MUGA pitches (1,212 sq. m.).</p> <p>The combined public open space provision for the proposed development on these SNI zoned lands is 16,212 sq. m (38.5%), which would therefore satisfactorily meet the criteria of retaining 20% or more usable open space.</p> |

|                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <p><i>Should incorporate measures to improve public use of the site and/or facilities as appropriate and be required to maximise improvements to walking and cycling permeability and accessibility both within and through the site and linkages to adjoining lands especially related to access to active travel and public transport stops.</i></p> | <p>The two public open spaces within the proposal are connected by public footpaths.</p> <p>The development includes a walkway / cycleway connecting the north of the site, adjoining Wyattville Road with the N11 to the immediate south of the appeal site.</p>                                                                                                                                                                                                                                                                                                                                                | <p>The western public open space includes landscaped gardens and public walkways through the site to enhance the site's permeability and connectivity to the wider area. The open space also provides passive and active space for the community. I would consider that the public open space provision is high-quality, as demonstrated in the submitted landscape plans.</p> <p>In addition, the development will provide much-needed community spaces for use by the residents, the adjoining school and local groups.</p> <p>This ensures the site provides sustainable neighbourhood infrastructure in keeping with the zoning objectives for the site.</p> |
| <p><i>Shall be well designed having regard to the site context, landscape features and any heritage within or adjoining the site.</i></p>                                                                                                                                                                                                              | <p>The 2-no. public open spaces include tree planting, permeable walking routes through the spaces, activity spaces and both spaces will benefit from natural surveillance from the proposed assisted living units which would enhance personal security.</p> <p>The proposed development includes 2,143 sq. metres of communal open space provision. The communal open space provision is well presented in terms of layout and design including both active and informal spaces with a mix of planting and will also avail of natural surveillance from the assisted living units which overlook the space</p> | <p>I would acknowledge that the applicant's Planning Report submits that a key provision of the proposed development is the inclusion of high-quality landscaped communal open space to serve both the assisted living units and the transitional care home.</p> <p>The open space will also provide additional playing facilities for the adjoining school in the form of 2 no. MUGA's located next to the school's current playing fields. The landscaped areas include allotments, paths through planted areas and seating and picnic areas for residents.</p>                                                                                                |

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|                                                                                                                                                                                                |                                                                                                                                                                                             | <p>The communal open spaces proposed include outdoor gym equipment, seating and pathways to encourage residents to be active and interactive as well as seating for passive recreation, socialising and relaxing. A variety of surfaces, including soft and hard landscaping, have been incorporated into the design, creating spaces to socialise.</p> <p>The western site boundary includes a prominent landscape area of the development and includes the provision of an access path and play area as well as external gym equipment, providing opportunities for active amenities for residents.</p> |
| <i>Should be compatible with or complement the existing SNI facilities and uses.</i>                                                                                                           | The proposal includes a range of communal uses, situated on the ground floor of Block A and Block B                                                                                         | Proposal includes community inter-generational tearoom / café and kitchen facility and Multi-functional School & Community Facility.                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <i>Shall ensure that the amenities currently enjoyed by the existing SNI use / facilities are adequately protected in terms of noise, daylight / sunlight and, overlooking as appropriate.</i> | <p>Application documentation includes a Daylight and Sunlight Assessment prepared by '3D Design Bureau'.</p> <p>Application documentation includes an Inward 'Noise Impact Assessment'.</p> | <p>Refer to para. 8.6 below. The application documentation satisfactorily demonstrates that the proposed development will receive adequate daylight and sunlight exposure, compliant with BR 209. The application documentation also demonstrates that the external amenity spaces assessed meet the criteria set out in the BRE Guidelines.</p> <p>I would also acknowledge that the applicant's submitted noise report demonstrates that noise emanating from the N11 would not adversely impact</p>                                                                                                    |

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|                                                                                                                                                                                                                                                                                    |                               | on the amenities of the proposed development (refer to para 8.5 below).           |
| <i>Should seek to share facilities as appropriate. Such facilities might include car parking, pitches, sports halls, etc.</i>                                                                                                                                                      | As above                      | The proposed development satisfactorily meets this criterion, as discussed above. |
| <i>Shall submit a detailed justification for any non-SNI uses (SNI uses are defined above) demonstrating how the proposed development will protect and/or enhance the existing SNI use and function of the overall SNI zoning objective lands of which the proposal is a part.</i> | No non-SNI uses are proposed. | Item addressed.                                                                   |

8.2.11. In conclusion therefore I would be satisfied, having regard to the considerations above, that the proposed development would adequately meet the criteria of Section 12.3.2.1 'Development within Sustainable Neighbourhood Infrastructure Lands' of the CDP.

#### 8.2.12. Specific Local Objective (SLO) 149

8.2.13. Appeal grounds submit that SLO 149 cannot be achieved on the site due to the poor urban design of the site, as Blocks A and B extend across the visual alignment of the western pedestrian pathway.

8.2.14. The appeal site includes a Specific Local Objective 149 of the CDP, and the objective states as follows;

*'to establish a new pedestrian walkway that retains the established permeability from the N11 through the lands at St Laurence to the Wyattville Park estate in Loughlinstown. A walkway shall be retained until this specific new SLO is achieved'.*

8.2.15. The realisation of the SLO 149 objective is an integral part of the development proposal. It is proposed to create permanent formal pedestrian (and also cyclist)

connection route through the appeal site to provide a formalised permeability route from the N11/ Bray Road through to Wyattville Park.

- 8.2.16. The proposed walkway is a 3-metre-wide purpose-designed pedestrian/ cyclist shared surface which will connect down to the lower level N11/ Bray Road pathway via a proposed wheelchair accessible ramped access at the south-west of the site up to the main level of the site. The walkway proceeds through the development site along the western landscaped public open space to eventually meet the interface with Wyattville Park roadway to the north-west of the site.
- 8.2.17. I would note from the submitted Architectural & Urban Design Statement that a key objective of the walkway is to allow for access to the school sporting facilities to the immediate west (for pupils and local clubs who use/ share these facilities) and the main school building to the northwest as well as to the new SNI-uses development - Assisted Living community and the Transitional Care Home, which will adjoin the eastern side of this new shared walkway/ cycle route.
- 8.2.18. I would be satisfied that the proposed route maintains the existing emphasis of the SLO, by providing access to neighbourhood facilities, and the alignment of the route, to the immediate west of the proposed Assisted Living Units ensures natural surveillance of the walkway by overlooking from the proposed development. Having regard to the existing development on the site and to the above considerations, I would consider that the proposed walkway meets the provisions of Specific Local Objective 149 of the CDP and can be achieved as proposed.
- 8.2.19. Conclusion
- 8.2.20. In respect of the principle of development I am satisfied, having regard to the above considerations, that the proposed uses are consistent with the DLR CDP SNI zoning objective of the site, and that the proposal meets the criteria of Section 12.3.2.1 'Development within Sustainable Neighbourhood Infrastructure Lands' of the CDP, and the development is consistent with Specific Local Objective 149 of the CDP, which relates specifically to the appeal site. Therefore, I would conclude that the principle of the development is acceptable and in accordance with the provisions of the DLR CC CDP, 2022 – 2028.

### 8.3. Proposed Uses and Proximity to Appropriate Uses

- 8.3.1. Appeal grounds include the location is unsuitable for the proposed development, inadequate provision of services and facilities provided to accommodate the residential profile of the development, local facilities such as Ballybrack Shopping Centre is not easily accessible from the site, as such previous reasons for refusal not addressed, and therefore the development proposal fails to meet the criteria of Section 12.3.8.2 'Nursing Homes / Assisted Living Accommodation' of the CDP.
- 8.3.2. A key provision of Section 12.3.8.2 'Nursing Homes / Assisted Living Accommodation' of the CDP, having regard to appeal grounds, is criteria no. 1, which states as follows:

*Such facilities will be resisted in remote locations at a remove from urban areas. They should be located into established neighbourhoods / residential areas well served by community infrastructure, and amenities. Future residents should expect reasonable access to local services such as shops and community facilities.*

- 8.3.3. The above provision of Section 12.3.8.2 of CDP is particularly relevant given refusal reason no. 4 in the previous application (D23A/0805) on the subject site. Refusal reason no. 4 stated that the proposed development is contrary to Section 12.3.8.2 'Nursing Homes/ Assisted Living Accommodation, which requires that residents should have reasonable access to local services.
- 8.3.4. I would acknowledge that a key design feature of the current development proposal before the Commission is to incorporate essential services within the development boundary and therefore eliminating the need to travel to the nearest services, such as Ballybrack Village or Ballybrack Shopping Centre.
- 8.3.5. The proposal therefore includes a range of communal uses for future residents, situated on the ground floor of Block A and Block B, comprising of arts and craft lounge, gym / exercise space, library, oratory, cinema / presentation room, bulky storage, community inter-generational tearoom / café and kitchen facility, multi-functional school & community facility and bike storage. As such by providing these

amenities on-site, the proposal aims to enhance convenience and promote a self-sufficient community.

- 8.3.6. I would accept that the provision of the proposed uses would enhance accessibility to such services. In addition to the provision of local services on site a key component of the development is the provision of pedestrian / cycle routes within the development proposal enhancing the permeability of the site to the wider area.
- 8.3.7. I would note that local services include Ballybrack Shopping Centre, which is situated some 800m from the site, circa 11-minute walk, and includes a range of services including a Tesco supermarket, local shops, cafe/ restaurants, barbers, hairdressers, dry cleaners and pharmacy. In addition, Ballybrack Village is located 900m from the site, and this includes a range of services.
- 8.3.8. I would also note that the applicant in response to the appeal submits that the Loughlinstown Health Centre and Loughlinstown Leisure Centre is located 700m from the site, and I can confirm same.
- 8.3.9. I would also consider it relevant to have regard to the PA's Planner's Report, which notes that day to day retail and services continue to be located in Ballybrack Village and Ballybrack Shopping Centre and that these are considered to be within reasonable walking distance or accessible via public transport. I would also acknowledge that the PA conclude that the location of the local services identified in the previously refused development (P.A. Ref. D23A/0805) is mitigated the current proposal by the provision of on-site amenities which were absent from the previous proposal.
- 8.3.10. The revised scheme not only provides key services within the development itself but also ensures that residents can easily access nearby off-site services by enhanced permeability and connectivity. I would be of the view that this dual approach creates a well-rounded, convenient living environment and that the proposed development is well served by community infrastructure and amenities, and would therefore meet the relevant criteria, as outlined above.
- 8.3.11. I would acknowledge that Section 12.3.8.2 'Nursing Homes / Assisted Living Accommodation' of the CDP includes additional criteria, and I have included this criterion and assessment in the following table.



| Section 12.8.2 of CDP                      | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| Impacts on adjoining residential amenities | <p>Refer to para. 8.6 below.</p> <p>The application satisfactorily demonstrates that the daylight availability to the rear of the nearby established residential properties is not adversely affected and that the adjacent residential properties would adequately comply with the annual probable sunlight hours in accordance with BRE guidance, and that any impacts on existing amenity space of these properties is considered negligible.</p> <p>Adequate separation distances from the proposed development to established residential properties are provided and ensure that overlooking is not an issue.</p>                                                   |
| Provision of at least 20% open space       | <p>Refer to paragraph 8.5 below.</p> <p>The public open space provision includes a space situated to the north of the proposed development (450 sq. metres) and along the western side of the site layout a larger public open space provision (3,038 sq. m.), therefore amounting to a total of 3,488 sq. m.</p> <p>The site area also includes the existing playing pitches (11,512 sq. m.), and the MUGA pitches (1,212 sq. m.).</p> <p>The combined public open space provision for the proposed development on these SNI zoned lands is 16,212 sq. m (38.5%), which would therefore satisfactorily meet the criteria of retaining 20% or more usable open space.</p> |
| Adequate car parking provision             | <p>The proposed car parking provision is acceptable. Refer to para. 8.7</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Design, materials and fenestration         | <p>Brick and render are used in conjunction with glazing and other materials and will provide visual interest, texture and variation to the elevations.</p> <p>The applicant's Architectural and Urban Design Statement submits that newer materials such as pressed metal entrance canopies, glass balustrades and timber / aluminium windows are used, and are mixed with the traditional materials of brickwork and render to create visually interesting elevational treatment.</p>                                                                                                                                                                                   |

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|                                            | I would be of the view that the proposed materials are high quality and well considered.                                                                                                                                                                                                                                                                                                                                                |
| Appropriate size and scale of the proposal | Having regard to the para 8.4 below 'Design, Height and Visual Amenity Assessment' I would consider that the proposed development is appropriate size and scale.                                                                                                                                                                                                                                                                        |
| Proximity to public transport provision    | <p>The site adjoins the N11 corridor with access to Core Bus Corridor. I note from the applicant's submitted documentation 'Travel Plan' that the site is currently connected to the city centre and the nearby suburbs by 5 no. bus routes (7, 84, 111, 145, &amp; 155).</p> <p>The Cherrywood Luas Stop is circa 1.2km from the subject site on foot.</p> <p>The site therefore has good proximity to public transport provision.</p> |

#### 8.3.12. Conclusion:

I would be satisfied, having regard to the above considerations, that the development as proposed would be consistent with Section 12.3.8.2 'Nursing Homes / Assisted Living Accommodation' of the CDP, given the location of the site and the accessibility to established services and also given the proposed uses on the site, and therefore the proposed development, would, in my view, satisfactorily address refusal reason no. 4 in the previous application, i.e. L.A. Ref. D23A/0805.

#### 8.4. Design, Height and Visual Amenity

- 8.4.1. Appeal grounds include massing of proposed blocks will have a negative impact on visual amenities, proposal will have an overbearing impact when viewed from Wyattville Park to the southeast, and the previous refusal reason in relation to height and mass is not addressed.
- 8.4.2. The policy approach to building height is defined in the DLR CDP in a number of sections. Both Policy Objectives PHP20 (Protection of Existing Residential Amenity) and PHP42 (Building Design and Height) of the CDP provide guidance in terms of assessment criteria and define the building height for consideration in respect of the

performance-based criteria as set out in Table 5.1 in Appendix 5 'Building Height Strategy' of the CDP.

- 8.4.3. The consistent approach in both policies referred to above is that building heights greater than 4-storeys would require an assessment under the performance-based criteria in Appendix 5 of the CDP. This approach is also consistent with Policy Objective BHS 3 (Building Height in Residual Suburban Areas) of Appendix 5, which refers that 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 specifically taller (more than 2 storeys taller) than the prevailing height for the area.
- 8.4.4. As the proposed development relates to a 5 / 6 storey height it is necessary to consider the application in the context of the performance-based criteria as set out in Section 5 of the Appendix 5: Building Height Strategy of the CDP. I have considered the proposed development relative to Appendix 5 below.

| Criteria for All Proposals                                                                                              | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <b>At a County Level</b>                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Proposal assists in securing objectives of the NPF such as brownfield infill development and delivering compact growth. | <p>The site is currently underutilised and the development of 119 Assisted Living Units and a transitional home care facility on the site would result in urban infill in this established suburban area.</p> <p>The proposal would intensify the site usage in a serviced, built-up urban area, with good accessibility to high-quality public transport.</p> <p>I am satisfied that the proposal would deliver compact growth and is consistent with NPF objectives NPO 4, 7, 8 and 45.</p> |
| Public transport accessibility                                                                                          | <p>The site adjoins the N11 corridor with access to Core Bus Corridor. The 'Travel Plan', that accompanied the application, confirms that the site is currently connected to the city centre and the nearby suburbs by 5 no. bus routes (7, 84, 111, 145, &amp; 155).</p>                                                                                                                                                                                                                     |

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|                                                                                      | <p>The bus stop for the N11 bus routes (84, 145 and 155) are located c. 200m from the pedestrian and cyclist entrance at the south of the proposed development. The bus routes no. 7 and no. 11 are served by bus stops on the Wyattville Road, circa 450m from the site entrance at Wyattville Park.</p> <p>I would also note that Figure 6.2 of the Travel Plan refers to proposed Bus Connects, which will provide enhanced connectivity for the subject site.</p> <p>The Cherrywood Luas Stop is circa 1.2km from the subject site on foot.</p> <p>The appeal site would therefore have good accessibility to public transportation provision.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>Successful integration into character and enhancement of public realm of area</p> | <p>I would have regard to the applicants submitted Verified Views and CGI.</p> <p>I would consider that the design and layout respond positively to the surrounding context by siting the tallest 6-storey block to the centre of the site and set back from the site boundaries.</p> <p>I would consider that the proposed 5 / 6 storey height addresses height concerns in the previous development (ABP-310882-21) which had a maximum height of 8 storeys and included a building height transition from 6 and 7 storeys. The space between blocks in the current proposal further reduces any massing impacts relative to the previously refused development, and the materials, as described below, provide for visual interest and variety, further reducing any perceived massing impacts.</p> <p>In addition, I would consider that the setting of the development adjacent to the N11 corridor and adjoining playing pitches to the immediate west allows for taller buildings without unduly impacting on adjoining residential amenities. Refer to para. 8.6 below.</p> <p>The proposal encloses the public open spaces with high quality public realm and</p> |

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|                                                                                                                                                                                       | <p>provides natural surveillance by overlooking, and the connectivity of the site is enhanced by a proposed public walkway through the site.</p> <p>I am satisfied the setting of the 6-storey height to the centre of the site would not be visually intrusive and would not represent an injurious form of development on the site, and that this approach would result in successful integration into the character of the area and enhancement of the public realm.</p>                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Views and Prospects                                                                                                                                                                   | There are no protected views or prospects within the surrounding area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Infrastructural capacity                                                                                                                                                              | The area is identified as comprising Tier 1 lands in the Core Strategy of the Development Plan. I would note that the submission from Uisce Eireann confirms that the proposal is deemed acceptable subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>At District/Neighbourhood/Street Level</b>                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>Demonstrates compliance with 12 criteria in Urban Design Manual (SRDG 2009). Responds to natural and built environment and positive contribution to neighbourhood/streetscape.</p> | <p>Urban Design Criteria</p> <p><u>Context</u> – the provision of a public walkway through the site will enhance access to the N11 and general permeability of the wider area.</p> <p><u>Connectivity</u> – As above the proposal provides a new route supporting connectivity to public transportation services.</p> <p><u>Inclusivity</u> – the proposal would add diversity to the existing housing stock. Includes the transfer of 24 no. units for Part V compliance. Proposal is universally accessible and includes accessible public open space.</p> <p><u>Variety</u> – Provides for a suitable mix of apartment sizes to assist an aging population with alternative housing options.</p> <p><u>Efficiency</u> – The proposal would result in an intensification of an underutilised site with a higher density which would represent a more efficient use of serviced and accessible land.</p> |

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|                                                                  | <p><u>Distinctiveness</u> – the design, layout and built form provides positive attributes of the site to create a distinctive development with an increased density and scale, within a landscaped setting, that connects to established playing pitches and green space.</p> <p><u>Layout</u> – the layout provides for a permeable pedestrian / cyclist route through the site connecting established and proposed residential areas to existing and proposed quality public transportation along the N11, and existing and proposed facilities associated with the SNI zoning objective of the site. The layout facilitates overlooking from the proposed Assisted Living Units and as such natural surveillance of public spaces.</p> <p><u>Public realm</u> – high quality public realm and communal amenity open spaces are proposed consisting of various forms of hard and soft landscaping and includes both active and passive spaces. The public realm is usable and an integrated element in the design of the development.</p> <p><u>Adaptability</u> – the proposed assisted living units would be universally accessible and exceed the minimum size standards in the Apartment Guidelines.</p> <p><u>Privacy and amenity</u> – the proposed assisted living units would be provided with suitable standards of private amenity space, with a high level of dual aspect orientation apartments. Refer to para. 8.5 below</p> <p><u>Parking</u> –The proposed car parking provision is acceptable. Refer to para. 8.7 below.</p> <p><u>Detailed Design</u> – the design is contemporary in nature, and timber / aluminium windows are used, and the materials are mixed with the traditional materials of brickwork and render to create visually interesting elevational treatment.</p> |
| Built form – avoid long uninterrupted walls and monolithic forms | The apartment blocks are not monolithic as the elevations are varied, and layout                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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|                                                                                  | <p>orientation differs which serves to break up any adverse impacts of massing.</p> <p>The buildings are separated by landscaped open spaces which avoids monolithic forms.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Materials                                                                        | <p>Brick and render are used in conjunction with glazing and other materials and will provide visual interest, texture and variation to the elevations.</p> <p>The applicant's Architectural and Urban Design Statement submits that newer materials such as pressed metal entrance canopies, glass balustrades and timber / aluminium windows are used, and are mixed with the traditional materials of brickwork and render to create visually interesting elevational treatment.</p> <p>I would note that the PA raised issues and concerns (F.I. Item no. 3) in respect of materials and finishes of Block E. The PA was satisfied with the applicant's response to FI. I would recommend a condition to the Commissioners, should they be minded to grant permission, that the materials and finishes for the proposed development are agreed with the PA prior to the commencement of development to ensure a high-quality design finish for the proposed development.</p> <p>I would be of the view that the proposed materials are high quality and well considered.</p> |
| Enhance urban design context for public spaces, thoroughfares and water frontage | <p>The proposed interconnected open space areas including the adjoining playing pitches maintain the recreational value of the overall SNI zoning objective and provide strong visual links through the site and creates a new public realm which is both distinctive and functional.</p> <p>The development also includes a public walkway through the site, consistent with Specific Local Objective 149 of the CDP, thereby enhancing the permeability of the site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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| Legibility                                                              | The permeability of the proposed development enhances the legibility of the site and the wider area.                                                                                                                                                                                                                                                                                                                                                                                   |
| Mix of uses and building typologies                                     | <p>Proposal includes community inter-generational tearoom / café and kitchen facility and Multi-functional School &amp; Community Facility.</p> <p>The provision of a varied range of high-quality open spaces would also add to the amenity value of the neighbourhood.</p>                                                                                                                                                                                                           |
| Enclosure of streets and spaces                                         | <p>It is considered that the internal spaces and walkways that would be created would be appropriately enclosed.</p> <p>The proposed areas of open space, which also act as pedestrian thoroughfares, would also be adequately overlooked from the proposed development and benefit from passive surveillance.</p>                                                                                                                                                                     |
| Urban grain with meaningful levels of human contact                     | <p>A range of resident amenities including extensive communal open space will create meaningful opportunities for social interaction.</p> <p>The proposal also interlinks with the adjoining St. Lawrence's College, by providing 2 no. MUGA facilities for use by the school and the wider community.</p>                                                                                                                                                                             |
| Positively contribute to character and identity of neighbourhood        | Although the receiving environment is characterised by low rise semi-detached dwellings, the proposal is considered to respond positively to the surrounding established development by reason of the design, layout and connectivity.                                                                                                                                                                                                                                                 |
| Respect the built and landscaped form and amenity of neighbouring sites | <p>It is considered that the positioning of Blocks C and D in the centre of the site would not adversely impact on the amenity currently afforded to existing residents in the area.</p> <p>The design and layout, having regard to the proposed separation distances from existing residential properties in Wyattville Park to the east and to the north have had due regard to minimising the effects of overlooking, overshadowing and visual amenity of adjoining properties.</p> |



|                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>At Site/Building Scale</b>                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Maximise access to daylight, ventilation, views and minimise overshadowing                              | <p>The applicants submitted Daylight and Sunlight Assessment is acknowledged.</p> <p>The proposal would maximize access to natural daylight on the proposed communal / public spaces as well as within the proposed units.</p> <p>I am satisfied that the proposal will maximise daylight and minimise overshadowing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Comply with BRE guidance and where non-compliance, provide rationale and proposed compensatory measures | <p>The applicants submitted Daylight and Sunlight Assessment is acknowledged.</p> <p>See para. 8.6 below which addresses sunlight and daylight impacts on adjoining properties.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Ensure no adverse impact on residential amenity of adjoining properties                                 | <p>See para. 8.6 below which addresses residential amenity of adjoining properties.</p> <p>The application satisfactorily demonstrates that the daylight availability to the rear of the nearby established residential properties is not adversely affected and that the adjacent residential properties would adequately comply with the annual probable sunlight hours in accordance with BRE guidance, and that any impacts on existing amenity space of these properties is considered negligible.</p> <p>Adequate separation distances from the proposed development to established residential are provided and ensure that overlooking is not an issue.</p> <p>It is considered that the proposed development will not result in adverse impacts with regard to overlooking, overbearing and/or overshadowing.</p> |
| No negative impact on ACA or setting of Protected Structure                                             | <p>There are no protected structures or designated Architectural Conservation Areas located within the immediate context of the appeal site. Therefore, I am satisfied there will be no impact on same.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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| Carbon emissions                | <p>The applicants submitted Building Lifecycle Report is acknowledged.</p> <p>The proposed development includes a range of measures to reduce energy consumption and energy costs, including setting a target of A2/A3 rating for the Assisted Living units, and the proposed development provides for a high level of glazing and opening windows will facilitate natural daylighting and ventilation, minimising the need for artificial lighting costs and the mechanical ventilation.</p> <p>The proposed Assisted Living Units provides that 54% of the total units are dual aspect. This will contribute to minimising heating costs and the need for mechanical ventilation.</p> <p>I am satisfied that the proposal demonstrates maximum energy efficiency.</p> |
| <b>County Specific Criteria</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Coastal character               | The site is removed from the coastal area. I have no concerns.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Mountain landscape              | No concerns in relation to mountain landscapes due to distance and intervening landscapes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Specific requirements           | Pre-application requirements have been addressed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Microclimatic impacts           | <p>The submitted Air Quality and Climate Impact Assessment confirms that the operational and construction phases would not have a significant impact to climate.</p> <p>The operational phase would also have no significant impact on air quality, however during the construction phase mitigation measures are required to ensure no significant impacts on air quality.</p> <p>Having regard to the scale and siting of the proposed development it is considered unlikely that negative microclimatic impacts will occur.</p>                                                                                                                                                                                                                                      |

|                                  |                                                                                                                                                                                             |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Flight lines                     | As per submitted 'Ecological Impact Assessment' the site is not considered a significant ex-situ foraging habitat, and no adverse concerns arise in respect of bird / bat flight paths.     |
| Telecommunication channels       | No impacts anticipated.                                                                                                                                                                     |
| Safe air navigation              | No impacts anticipated.                                                                                                                                                                     |
| Environmental impact assessments | The application was accompanied by an AA Screening Report and Ecological Impact Assessment.<br><br>Please see Sections 6.0 and 9.0 of this report and associated Appendices to this report. |
| <b>Additional Criteria</b>       |                                                                                                                                                                                             |
| Place making                     | The proposal provides a high-quality development with high quality public realm creating a distinctive sense of place that facilitates connectivity to the wider area.                      |

#### 8.4.5. Conclusion

8.4.6. In conclusion, I consider that the proposed development is acceptable in terms of its overall design, layout and building height. It is generally consistent with the Building Height Strategy in the CDP and performs well in terms of the criteria in Table 5.1, as outlined above. I would concur with the planning authority's view that the design and layout responds well to the surrounding context, primarily as a result of the proposed building height modulation towards the boundaries, combined with the generous set back distances and retention and enhancement of the overall recreational value of the development site. I am also satisfied that the design, layout and building height adequately addresses previous refusal reasons on the site, as the current proposal would, in my view, successfully integrate into the character of the area and provides an enhancement of public realm which would improve connectivity within the site and with the wider area.

## 8.5. **Proposed Residential Amenity**

### 8.5.1. **Private Amenity Standards**

The proposal provides for 119 no. Assisted Living Units consisting of a mix as follows:

| <u>Unit Typology</u>         | <u>No. of Units</u> | <u>Percentage</u> |
|------------------------------|---------------------|-------------------|
| 1 bed units                  | 81 units            | 68%               |
| 2 bed units (3-person units) | 11 units            | 9%                |
| 2 bed units (4-person units) | 18 units            | 15%               |
| 3 bed units                  | 9 units             | 8%                |

- 8.5.2. I would acknowledge that the residential amenity of the proposed Assisted Living Units is not raised in the appeal grounds, however for completeness I have reviewed the applicant's Housing Quality Assessment and the submitted floor plans for the 119 units.
- 8.5.3. I can confirm to the Commissioners that all the proposed floor areas for the 119 no. Assisted Living Units would exceed the minimum apartment standards as required in the County Development Plan and the Apartment Guidelines (2023), therefore providing a good standard of residential amenity for future occupants.
- 8.5.4. I would also acknowledge that the private open space provision for the proposed Assisted Living Units, comprising of balconies, would also exceed those of the minimum requirements for apartment units in both the CDP and the Guidelines (2023).
- 8.5.5. In addition, I would note that the overall number of dual aspect units proposed for the Assisted Living facility is 64 units (54% of total provision) which would exceed the minimum requirement for apartments of 50% as set out in Section 12.3.5 'Apartment Development' of the CDP and in SPPR 4(ii) of the Apartment Guidelines (2023).
- 8.5.6. I would also acknowledge from the applicant's submitted Housing Quality Assessment, that the floor areas for the living / kitchen / dining areas for all the

proposed Assisted Living Units would exceed that of the minimum requirements for apartments as contained in Appendix 1 of the Apartment Guidelines (2023).

- 8.5.7. Furthermore, I would also note from both the Housing Quality Assessment and the submitted floor plans that the minimum aggregate bedroom areas in all the proposed 119 no. Assisted Living Units would exceed the minimum requirements for apartments in the Guidelines (2023).
- 8.5.8. In addition, the storage provision for each individual Assisted Living unit would exceed the minimum requirements for apartments as contained in both Table 12.3 (Minimum Storage Space Requirements) of the CDP and Appendix 1 of the Apartment Guidelines (2023).
- 8.5.9. Notwithstanding the above, I would acknowledge that there is no available guidance in terms of standards for Assisted Living Units which is aimed at an older age cohort, however as the proposed units, as demonstrated above, would exceed the minimum requirements of the CDP and the Guidelines (2023), the proposed development would therefore provide a good standard of residential amenity for future occupants.
- 8.5.10. In respect of the proposed unit mix I have noted in the table above that the percentage of 1-bed units proposed is 68%, which would exceed the requirements of SPPR 1 of the Apartment Guidelines (2023). SPPR 1 of Apartment Guidelines (2023) requires that developments may include up to 50% one-bedroom units. However, I would acknowledge that the Guidelines (2023) advocate scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of the proposal.
- 8.5.11. In respect of the proposed development, I would note that the Housing Strategy in Appendix 2 of the CDP demonstrates that the demographics of the county show a continued ageing of the population in excess of national ageing population trends. Furthermore, I note from Section 4.3.2.6 of the CDP that the Council will place a strong emphasis on developments that will encourage the older population in the county to downsize, while being also afforded the opportunity to live in their community. I would also accept that the design concept of the proposed development is that the provision of 1-bed units, which requires less physical upkeep, alongside the presence of on-site communal spaces is more appropriate for aging population cohorts.

8.5.12. Therefore, and also having regard to CDP policies, including Policy Objective PHP30 'Housing for All' which supports housing options for older people consistent with NPO 40 in the NPF and RPO 9.1 and 9.12 of the RSES, and supports the provision of specific purpose-built accommodation, including assisted living units and adaptation of existing properties, and promoting opportunities for downsizing. I am therefore satisfied in this instance that the provision of 1-bed units in this development proposal is acceptable.

8.5.13. Overall, I am satisfied, having regard to the above considerations, that the private amenity standards associated with proposed Assisted Living Units would provide a good standard of residential amenity for future occupants.

8.5.14. Open Space / Communal Open Space

8.5.15. Appeal grounds include the provision of public open space in the development is inadequate and fails to meet the requirements of Section 12.8.3.1 (Redevelopment of SNI Use) and Section 12.8.3.2 (Communal Open Space) of CDP.

8.5.16. The DLR CDP requires both public open space and communal open space provision for residential developments in order to provide a good standard of amenity for future occupants. In respect of public open space provision and having regard to the Sustainable Neighbourhood Infrastructure (SNI) zoning objective of the site, I would acknowledge that the CDP (Table 12.8) requires a minimum of 25% of the site area for public open space for lands zoned SNI.

8.5.17. The proposed public open space provision, based on the submitted plans<sup>2</sup>, is situated both to the north of the proposed development (450 sq. metres) and also along the western side of the development (3,038 sq. m.), therefore totalling 3,488 sq. m. I would consider that both of these public open spaces are well landscaped, as evidenced by the submitted landscape plan, that accompanied the F.I. response. The public open spaces include tree planting, permeable walking routes through the spaces, both active and passive spaces. The public open spaces will benefit from natural surveillance by overlooking from the Assisted Living Units thereby enhancing personal security and the quality of the proposed open space.

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<sup>2</sup> Drawing no. 22153

- 8.5.18. In addition to the public open space referred to above, the site area also includes the existing playing pitches (11,512 sq. m.), and the MUGA pitches (1,212 sq. m.). As noted above in para. 8.2 a letter on the file from the schools Board of Management confirms that the school currently operates established dual-use sports facilities with structured community access and that this arrangement will continue with the use of the 2no. MUGA pitches. The combined public open space provision for the proposed development on these SNI zoned lands is 16,212 sq. m (38.5%).
- 8.5.19. I would therefore conclude that the proposal would adequately meet the public open space requirements of Section 12.8.3.1 (Public Open Space) of the CDP which requires a minimum of 25% public open space provision.
- 8.5.20. In respect of communal open space provision, the development includes 2,143 sq. metres of communal open space for the proposed assisted living units.
- 8.5.21. I would consider, based on the submitted landscape drawings, that the proposed communal open space is well presented in terms of layout and design, and includes both active and informal spaces with a mix of planting and will also avail of natural supervision from the assisted living units which overlook the space.
- 8.5.22. The proposed 2,143 sq. metres of communal open space provision generously exceeds the minimum CDP requirements for communal open space, which would be 678 sq. metres having regard to Section 12.8.3.2 (Communal Open Space) and Table 12.9 'Communal Open Space Standards' of the CDP.
- 8.5.23. I would note that the applicant submits that they are willing to make a financial contribution in lieu of any shortfall in respect of public open space provision. However, as I have outlined above there is adequate public open space provision to meet the CDP standards, and a financial contribution is not necessary in this instance.
- 8.5.24. I would therefore conclude that both the proposed public open space and communal open space would provide a good standard of residential amenity for future occupants.

8.5.25. Daylight and Sunlight

- 8.5.26. The application documentation includes a Daylight and Sunlight Assessment Report which tests the performance of the proposed development in terms of both daylight and sunlight availability, and sun on the ground in proposed outdoor amenity spaces.
- 8.5.27. I would note that results from the report demonstrate that the Spatial Daylight Autonomy of all proposed 5 no. blocks would achieve 100% compliance with BR 209. The report also demonstrates that 100% of the units in Block A, B, C, D achieved Sunlight Exposure Compliance for 89% (with trees) and 90% (without trees) and compliance for Block E is high. I would acknowledge that the daylight and sunlight received in the proposed development would therefore be compliant with Para. 6.6 of the Apartment Guidelines (2023) in achieving acceptable provision of natural light thereby contributing to the liveability and amenity of these proposed residential units.
- 8.5.28. In terms of outdoor amenity spaces, the Daylight and Sunlight Assessment Report assessed 7 no. spaces and all these spaces assessed meet the criteria set out in the BR Guidelines.
- 8.5.29. Therefore, and having regard to the above considerations, I would consider that future residents of the proposed apartment units will be provided with residential accommodation of an acceptable standard and level of residential amenity, having regard to the submitted Daylight and Sunlight Assessment Report.

8.5.30. Noise Impact

- 8.5.31. Appeal grounds include concern in relation to the robustness of the applicant's noise survey. This includes concerns in relation to the location and height of survey measurement, measurement length and procedure, impacts of a 3 dB increase, future traffic increases along the N11, survey dates, calculations and criteria used to determine noise impacts on the proposed external amenity spaces.
- 8.5.32. The appellant argues that resulting from the above inaccuracies in the submitted noise survey there are serious concerns in relation to the consideration of the residential amenities of the future occupants of the development.



- 8.5.33. I would acknowledge that the noise survey that accompanied the planning application, is an 'Inward Noise Impact Assessment', primarily having regard to the southern frontage of the development proposal adjacent to the N11.
- 8.5.34. The purpose of the Noise Survey was to quantify the external ambient noise environment at the development site to determine noise mitigation measures required for incorporation into the site design due to the location along the N11. The Noise Report proposed that mitigation measures would ensure any inward noise impact on the proposed development is minimised in accordance with established criteria.
- 8.5.35. I have reviewed the applicant's 'Inward Noise Impact Assessment', and I would acknowledge that the submitted noise report, based on the conducted noise survey and noise modelling, and with the use of mitigation measures, demonstrates that that predicted noise levels in the outdoor amenity spaces is acceptable.
- 8.5.36. The noise report demonstrates, with the use of mitigation measures including a noise barrier wall and perimeter landscaping, that the predicted noise levels in the proposed play area, communal open space and the primary public open space will be in the range of 50 – 55 db(A) LAeq 16hr, which meets the relevant criteria in ProPG 2017 Guidance and BS 8233. I would acknowledge that the PA raised concerns in respect of the noise barrier design in respect of visual integration with the public open spaces which was later addressed by clarification of further information by submitting a design that integrates with the public open space in visual terms. I would consider that this design issue can be addressed by condition should the Commission be minded to grant permission. I would therefore consider that the applicant's Noise Assessment, with the use of mitigation measures, adequately demonstrates that the ambient noise levels in the external amenity areas would be an acceptable level.
- 8.5.37. Further I would acknowledge that the submitted noise report has demonstrated, based on noise modelling results, that the ambient noise levels in the internal habitable areas will be acceptable for future occupants. The proposal includes the use of mitigation measures, including sound insulation for external walls and roofs, external glazing, trickle vents and sound insulation performance specifications for external façade entry doors. I am satisfied that the noise modelling adequately demonstrates that the ambient noise levels in the internal areas will not exceed 35 db

LAeq 16hr (daytime) and 30 LAeq 8hr (night time) and therefore will be compliant with best practice criteria in ProPG 2017 Guidance and BS 8233.

- 8.5.38. I would also have regard to CDP policy objective T27 'Traffic Noise' whereby traffic noise levels are considered as part of new developments along major roads/rail lines in accordance with best practice guidelines. In this respect the CDP advises that in the planning and design of national road schemes, cognisance must be given to the National Road Authority document '*Good Practice Guidance for the Treatment of Noise during the Planning of National Road Schemes (2014)*'. This NRA guidance advises that all national road schemes should be designed, where feasible, to meet the equivalent of 60dB LA10(18 hour) for residential facades. I would note from Table 5 of the applicant's noise survey that this is largely achieved for the facades of the proposed development, noting that there are some minor exceptions, were the predicted façade noise exceeds this level.
- 8.5.39. In addition to the above NRA Guidance, I have noted above that the applicant's Noise Modelling has adequately demonstrated that the noise in any internal areas will not exceed 35 db LAeq 16hr (daytime) and 30 LAeq 8hr (night time), and therefore will be consistent with best practice criteria. This would demonstrate, in my view, that the proposed development has had cognisance of the noise impacts of the adjoining N11 to the south of the development site, to ensure that the future residential amenity for occupants would be acceptable in terms of noise impacts.
- 8.5.40. I would consider that the survey details, including the measurement height of 2.4m above the development lands is acceptable, as this height would avoid any reflecting surfaces from the adjacent N11, and would achieve a free-field measurement.
- 8.5.41. I would also consider the 24-hour noise survey, which included 10-min intervals, is acceptable, and would adequately assess the noise levels emanating from the N11, and such impacts on the proposed development.
- 8.5.42. The appellant refers to 3dB increase in noise level as a result of the doubling of traffic and this would be extremely undesirable. However, I would note that there is no traffic modelling to demonstrate a doubling a traffic is likely in future.
- 8.5.43. In also considering the robustness of the applicant's noise report I would note that both the DLR CC internal reports from Environmental Enforcement and Environmental Health Services had no concerns in respect of robustness of the

applicant's submitted noise report, and in both cases, their respective reports recommended a grant of permission, subject to standard noise conditions.

8.5.44. In conclusion therefore I am satisfied that the submitted noise assessment, which includes a noise survey and noise modelling, has adequately demonstrated that the proposed development, including mitigation measures, will not be adversely affected by the adjoining N11, in terms of noise impacts.

8.5.45. Conclusion:

8.5.46. Therefore, having regard to the above considerations, I would be satisfied that the development proposed would provide a good standard of residential amenity for future occupants.

## 8.6. **Impacts on Established Residential Amenities**

### 8.6.1. Separation Distances / Overlooking

8.6.2. Appeal grounds include the proposed development will be overbearing when viewed from Wyattville Park to the southeast, and the proposed degree of glazing will result in overlooking of the houses within Wyattville Park.

8.6.3. The DLR CDP refers to a minimum 22 metre separation distance (section 12.8.7.1) between directly opposing rear first floor windows, in the interest of protecting private amenity spaces. The CDP also allows for a relaxation in standards in exceptionally well-designed schemes. Furthermore, SPPR 1 of the Compact Settlement Guidelines (2024), requires a minimum separation distance of 16 metres between directly opposing rear or side windows above ground floor level in the case of houses.

8.6.4. There is an established row of semi-detached dwellings (No.s 5 – 47A Wyattville Park) situated to the east of proposed Block B and Block E, and the minimum separation distances from the development to these residential properties is c. 38.8 m (Block B) and c. 42 m (Block E).

8.6.5. In addition, no. 102 and 103A Wyattville Park, both situated to the north of proposed Block A and Block B, have separation distances of c. 35.8m and 48.5m respectively to the proposed development.

8.6.6. I would consider that the siting and the layout of the proposed development has had adequate regard to adjacent established residential amenities, and considering the separation distances as outlined, the proposed development would adequately exceed the minimum requirements of both the CDP and the Guidelines (2024) in respect of separation distances. The development proposal will therefore not result in overlooking of the houses within Wyattville Park to the southeast and would be adequately setback to avoid any overbearing impact, and thereby adequately protects established residential amenities. Therefore, the proposal would not unduly impact on the established residential amenities of adjacent properties, in terms of overlooking or overbearing impacts.

8.6.7. Sunlight and Daylight Impacts on Adjacent Residential Properties

8.6.8. In addition to the above separation distances which provide favourable protection of adjoining residential amenities I would note that the file documentation includes a Daylight and Sunlight Assessment Report.

8.6.9. The report assesses the impact, if any, that the proposed development would have on daylight access and sunlight access to the rear of existing dwellings. The report also assesses the impact that the proposed development would have on sunlight access to existing amenity space. The assessment was carried out using the methodology as outlined in the BR 209 Guidance Document 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022).

8.6.10. I would acknowledge that the results from this Report demonstrate that the daylight availability to the rear of the nearby residential properties is not adversely affected by the proposal and as such the proposed development is therefore compliant with BR 209 (2022) Guidance. This is confirmed by the fact that the Vertical Sky Component (VSC) measured at the centre of the existing main windows is either greater than 27% or that the change in difference is less than 8% its former value, having regard to the VSC with the existing adjacent residential properties.

8.6.11. In relation to sunlight analysis the Report advises that the BR 209 Guideline recommends, where a living room window capable of receiving 25% of annual probable sunlight hours (including 5% of annual probable sunlight hours during the winter months) that the windows will be adequately sunlit throughout the year. The

results from this Report demonstrate that the adjacent established properties tested adequately comply with the annual probable sunlight hours.

8.6.12. Finally, the existing amenity spaces were tested to determine adequacy of sunlight throughout the year. In accordance with BR 209 guidelines, it is recommended that an amenity space to appear adequately sunlit throughout the year it is required that at least half of the amenity space should receive at least two hours of sunlight on March 21<sup>st</sup>. The results from the report confirm that the impact is considered negligible having regard to the orientation of established residential properties relative to the proposed development.

8.6.13. I would accept, on the basis of the information available, that the applicant has adequately demonstrated compliance with BR 209 Guidelines and the proposed development would not adversely impact on existing residential amenities in terms of loss of sunlight and daylight or sunlight access to amenity spaces, and therefore the proposed development would not be overbearing on established residential amenities.

8.6.14. Conclusion

8.6.15. In conclusion therefore, having regard to the above considerations, I would consider that the proposed development would be adequately set back from existing residential properties, and would be consistent with the CDP development management standards in terms of achieving adequate separation distances to prevent any such overlooking or visually overbearing impacts. The applicant has also demonstrated that the proposed development would not adversely impact on residential amenities in terms of loss of sunlight and daylight or sunlight access to amenity spaces. Overall, I would be of the view, having regard to the above considerations, that the proposed development would not adversely impact on established residential amenities.

8.7. Access, Traffic and Transport

8.7.1. Appeal grounds include adverse traffic impacts locally, inadequate car parking provision and inadequacy of the transportation assessment.

8.7.2. Traffic Impacts

- 8.7.3. The appeal submission, from Traffic and Transport experts, argues that there are traffic capacity issues on the Wyattville Park and Wyattville Hill junction, which is an approach road to the appeal site.
- 8.7.4. In terms of local access and road capacity, I would acknowledge that the submitted Traffic Impact Assessment (TIA) undertook traffic surveys of two nearby traffic junctions, and applied TRICS trip rates to the development proposals in estimating combined generated flows.
- 8.7.5. I would acknowledge that the TIA, using growth rates published by TII, estimates the traffic impact for 2026, 2031 and 2041 on the basis of do-nothing (without development) and a do-something scenario (with development) in the same yearly intervals. The TIA estimated the networks and development flows on two junctions, namely
- Junction no. 1 – Wyattville Road / Wyattville Park signalised junction
  - Junction no. 2 – N11 / Wyattville Road signalised junction.
- 8.7.6. I have reviewed the submitted TIA, and it is evident, based on the above methodology, that the development traffic flows as a percentage of total flows is recorded as less than 3% at both junctions. I would note the NRA Traffic and Transport Assessment Guidelines (2014) advise that more detailed assessments are required in instances where the development flows exceed 10% or 5% of the existing turning movements. Accordingly in this case more detailed assessments would not be required as the development traffic flows of 3%, as a percentage of total flows, would not merit more detailed assessments.
- 8.7.7. Notwithstanding the above conclusion that the percentage of total flows is recorded as less than 3% at both junctions, I would acknowledge that the TIA, in the interest of robustness, undertook a more detailed assessment and analysed Junction no. 1 (Wyattville Road / Wyattville Park) further.
- 8.7.8. The more detailed assessments in the TIA concluded that in 2026 with the proposed development in place, the maximum degree of saturation increases to 88% from 81% in the morning peak at the junction Wyattville Road / Wyattville Park, and in 2031 with the proposed development in place, the maximum degree of saturation

increases to 94% in the morning peak. In 2041 the more detailed assessment demonstrates that with the proposed development in place, the maximum degree of saturation increases very slightly to just above 100% in the morning peak. I would therefore acknowledge that the intersection, the subject of the more detailed assessment, will operate at capacity, and the impact of the proposed development is therefore limited.

- 8.7.9. Overall, I would be satisfied based on the submitted TIA that the junction (Wyattville Park / Wyattville Road) operates within capacity, and that the added flows resulting from the proposed development would not have adverse traffic impacts on this junction. I would also note that the applicant's response submission contends that there was no traffic modelling evidence in the appeal submission that would counter the findings in the TIA, which I would acknowledge.
- 8.7.10. In addition to the traffic surveys and modelling outlined above, the applicant has submitted a Travel Plan with the application. The Travel Plan sets out the applicant's commitment for the promotion of more sustainable travel habits among the end occupiers/ residents of the scheme by supporting the use of more sustainable transport modes such as walking, cycling and public transport usage. The Travel Plan recommends the appointment of a Travel Plan Coordinator who will promote more sustainable modes of transport as contained in Section 8.3 of the Travel Plan to promote walking to work, bike usage, public transport usage and monitoring the modal split for journeys to work. The implementation of the plan involves setting targets to achieve modal shift, which is to be overseen by a Travel Plan Coordinator.
- 8.7.11. I would recommend, should the Commissioners be minded to grant permission, the inclusion of a condition requiring the implementation of the Travel Plan, to assist in achieving a modal shift towards active travel.
- 8.7.12. In my view therefore the traffic modelling in the submitted TIA adequately demonstrates that the junctions have sufficient geometric design capacity to accommodate the worst-case traffic flows. I would therefore conclude that the application documentation has demonstrated that the road network and local junctions have sufficient capacity to accommodate the proposed development.
- 8.7.13. Separately I would note that the submission to PA from TII raises no objections to the proposed development in respect of road capacity. In addition, the PA's

Transportation Planning Section report considers that the applicant's TIA is acceptable and takes account of cumulative impacts and any potential school expansion in the future. The Transportation Planning Section accepts the conclusions contained in the TIA in respect of road and junction capacity.

8.7.14. I am therefore satisfied that the traffic generated by the proposed development would not have an adverse impact on the capacity of the surrounding road network and the local junction capacity as they currently exist and would not result in a traffic hazard. Furthermore, I consider that the proposal would result in a positive outcome from an active travel perspective on the basis of measures contained in the Travel Plan.

8.7.15. Car Parking

Appeal grounds include, provision of 97 no. car parking spaces is inadequate, and amounts to 50% of the maximum required parking in the CDP, the proposal will need staff parking and emergency parking, and the significant reduction in car parking in the college will have adverse impacts on the Wyattville estate, and the proposal will result in overspill car parking.

8.7.16. The development provides 97 no. car parking spaces which will serve the proposed assisted living units, transitional care home, community room and café / tearoom.

8.7.17. I would acknowledge that Table 12.5 'Car Parking Zones and Standards' of the CDP sets out the car parking standards by development type. The appeal site is located within the designated Parking Zone 2 of CDP. However, the development type 'Assisted Living Units' is not included in Table 12.5 of the CDP for the calculation of car parking standards.

8.7.18. I would accept having regard to the information on the file, and as submitted by the applicant, that Assisted Living Units, by their nature, accommodate an older age cohort, where demands for private car ownership could be reasonably considered to be lower than that of standard residential apartments.

8.7.19. The car parking requirement, in accordance with Table 12.5 of the CDP, indicates that the required car parking provision for the remainder of the proposed development is as follows.

- Transitional Home Care – 90 car parking spaces



- Community room / Café-Tearoom – 6 car parking spaces

8.7.20. I would acknowledge that the applicant's submitted 'Car Park Management Strategy' contends that the maximum car parking requirement is 161 car parking spaces for the proposed development.

8.7.21. The applicant has included a drawing entitled 'Car Parking Configuration'<sup>3</sup> which illustrates the allocation of car parking spaces for each of the uses referred to above, and this allocates the car parking spaces as follows;

- Assisted Living Units (Apartments) – 41 car parking spaces
- Transitional Home Care – 45 car parking spaces
- Community room / Café-Tearoom – 6 car parking spaces

8.7.22. The applicant submits that the car parking provision is in the region of 161 spaces, and the proposal provides 97 no. spaces. There is therefore an under provision of car parking spaces for the proposal, having regard to Table 12.5 of the CDP. However as noted above Table 12.5 of the CDP does not include the development type 'Assisted Living Units' for car parking standards. Therefore, in this instance I would consider that consideration of Section 12.4.5.2 of the CDP would be relevant. Section 12.4.5.2 (i) 'Assessment Criteria for deviation for Car Parking Standards (set out in Table 12.5) is a relevant consideration.

8.7.23. I would concur with the applicant that the proposed use by its very nature would be a low-level traffic generator, as car ownership among the elderly is noted as being generally low. I would also have regard to the submitted Travel Plan, as discussed in para. 8.7.10 above, and in particular section 5.2 '*Existing Public Transport Facilities*' and section 6.2 '*Future Planned Public Transport, Cycling and Pedestrian Network Improvements*', which would demonstrate that the development site has good existing and proposed public transport accessibility. The Travel Plan, as noted above, also includes objectives which will promote more sustainable modes of transport as contained in Section 8.3 of the Travel Plan to promote walking to work, bike usage, public transport usage and monitoring the modal split for journeys to work, which would reduce car parking demand.

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<sup>3</sup> Drawing number PL\_008

8.7.24. On the basis of the residential profile for the proposed Assisted Living Units, which is primarily aimed at an aging population, I would be satisfied that the proposed development would satisfactorily meet the criteria in Section 12.4.5.2 (i) 'Assessment Criteria for deviation from Car Parking Standards' of the CDP, in particular having regard to the following criteria.

- Proximity to public transport services and level of service and interchange available.
- Walking and cycling accessibility/permeability and any improvement to same.
- The need to safeguard investment in sustainable transport and encourage a modal shift.
- Particular nature, scale and characteristics of the proposed development
- The range of services available within the area.
- Urban design, regeneration and civic benefits including street vibrancy.

8.7.25. I would also have regard to relevant national, regional and local policy provision in supporting housing options for the elderly, including NPO 40 of the NPF, which supports the need for well-designed lifetime adaptable infill and brownfield development close to existing services and facilities, supported by improved amenities, including public spaces and parks as well as direct and accessible walking routes.

8.7.26. I would also have regard to key CDP strategic policy objectives to achieve compact growth (Policy Objective CS11), development of brownfield sites (Policy Objective CS12) and to address underutilisation of lands (Policy Objective CS14). The proposed intensification of an urban site would be consistent with these strategic CDP policy objectives.

8.7.27. I would acknowledge that neither the Transportation Section of the PA or the PA's Planner's Report have raised concerns regarding the proposed car parking provision.

8.7.28. Therefore, in conclusion, I would consider, having regard to the location of the proposed development, within good proximity to public transport provision, the nature of the proposed development which relates to Assisted Living Units, aimed at an older age cohort which is supported by national, regional and local policy provision,

including NPO 40 of the NPF, and furthermore having regard to national, regional and local policy objectives to achieve compact forms of development and to encourage a modal shift away from the private car to more sustainable forms of transport, that a deviation for Car Parking Standards for the proposed development, in accordance with Section 12.4.5.2 of the CDP, would be acceptable.

#### 8.7.29. Transportation Assessments

8.7.30. The appellant raises a number of issues in respect of the applicant's TIA and claims that some specific issues were not adequately assessed or have been overlooked. In this respect the appellant refers to parking on both sides of the Wyattville Park resulting in the restriction of two-way traffic.

8.7.31. Notwithstanding the above I would acknowledge that parking on both sides of a residential estate road is not uncommon in established suburban developments and can be facilitated by the low traffic speeds operating within a residential estate. The carriageway widths through the Wyattville Park estate are 5.8m and DMURS recommends a width between 5m – 5.5m to promote low traffic speeds, which is therefore achievable in Wyattville Park.

8.7.32. In addition, I have concluded above that the car parking provision to serve the proposed development is acceptable, and on this basis, I would not consider that the proposed development would have any adverse impacts on existing parking habits in the established Wyattville Road.

8.7.33. The appellant submits that currently there is severe traffic congestion leading to traffic backing up to the Wyattville Road and Wyattville Hill junction with delays upwards of 30 minutes reported. I have acknowledged above that the applicant's TIA demonstrates that the existing junction will still operate within capacity when the new development is constructed. In particular I note from the TIA's detailed assessment that the proposed development in 2026, and in 2031, five years afterwards, that the Wyattville Park / Wyattville Road junction is predicted to continue to operate within capacity with the proposed development in place. Further the TIA demonstrates that in the 2041, that the projected year of opening plus 15 years of the proposal, that the same junction will be at capacity, both with and without the proposed development in place. I would note that the appellant does not include any traffic modelling that

demonstrates the traffic congestion to the Wyattville Road and Wyattville Hill junction. I would therefore conclude based on the submitted TIA that the full occupation of the scheme will operate within the capacity of the local road and junction network and this therefore addresses concerns in respect of capacity of the Wyattville Road and Wyattville Hill junction.

- 8.7.34. The appellant argues that there will be no alternative to school-drop off parking, and that the parking for the playing fields will result in significant overspill parking in the Wyattville estate. The originally proposed school drop off area, situated to the north of the development site, is not a requirement of the CDP, and its intention was traffic convenience. However, I would be of the view that its removal has enhanced the layout of the proposed development by the inclusion of soft landscaping. I would note that the Transportation Planning Section of DLR CC were in favour of the removal of the school drop off to ensure compliance with the NTA's Safe Routes to School Design Guide – 2022. Therefore, I would consider that the removal of the originally proposed school drop off is acceptable.
- 8.7.35. The appellant submits that the location of the proposed access has junction visibility concerns. In this respect, I would acknowledge the applicants submitted sightline drawing<sup>4</sup> which clearly indicates appropriate sightline provision. I would note that the report by the Transportation Planning Section of the PA considered that the proposed sightline provision is acceptable. I would also note that the applicant's submission response to the third-party appeal includes drawings that demonstrate satisfactory auto tracking of 4 no. junction in Wyattville Park / Hill for large vehicles including fire tender and refuse trucks.
- 8.7.36. The appellant submits that the TIA only assessed the junction capacity of two junctions and that other junctions were not assessed as part of the traffic impact assessment, and that the percentage increases at the assessed junctions were significant and that the TIA modelling includes an unrealistically short pedestrian crossing stage.
- 8.7.37. I have considered appellants assertions; however, I have concluded above that the applicant's TIA has adequately assessed the operational capacity of the two junctions. Furthermore, the TIA carried out a detailed assessment for one of the

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<sup>4</sup> Ref. LOU-BMD-00-ZZ-DR-C-11111

junctions, which was not required, having regard to NRA Traffic and Transport Assessment Guidelines (2014), and concluded that the same junction will operate within capacity. I would therefore conclude that the traffic assessment is robust. I also note that the appellant claims that the traffic modelling was misrepresentative of the junctions assessed however the applicant's traffic consultants in response has rebuffed these claims, which I would concur with.

8.7.38. I would consider that the TIA traffic modelling is robust and made clear conclusions that the development would not materially exacerbate existing traffic conditions, and the proposed development would be acceptable in terms of traffic impacts.

#### **8.8. Condition no. 2 (a)**

- 8.8.1. This is a first party appeal in relation to this condition, and the appeal grounds include, the condition does not align with market demand and national precedent, and national policy supports age-appropriate housing from age 55 onwards and also project viability.
- 8.8.2. The proposed development is not for standard residential apartments, and the application is based on the provision of housing for the elderly. In considering an age category condition I would have regard to the Housing Strategy in Appendix 2 of the CDP which demonstrates that the demographics of the county show a continued ageing of the population in excess of national ageing population trends. Furthermore, and having regard to Section 4.3.2.6 of the CDP the Council will place a clear emphasis on developments that will encourage the older population in the county to downsize, while being also afforded the opportunity to live in their community. As such I would consider that a condition, restricting the age cohort of the user, would therefore be reasonable to ensure that there is suitable availability of housing for the elderly.
- 8.8.3. In terms of considering the specific age category for the proposed assisted living units, which is the nature of condition no. 2 (a), I would have regard to the precedents submitted by the first party appellant, in particular Board decisions appeal ref. 314040 (Fingal County Council) and appeal ref. 319599 (Meath County Council). In both cases the Board applied a condition restricting the occupation of the proposed assisted living accommodation units to age cohort 55 years and older and which shall

not be sold, let or otherwise transferred or conveyed without a prior grant of planning permission. The appellant also includes further relevant examples in Dublin City Council, i.e. LA Ref. WEB1287/25 and LA Ref. 4067/24. In the case of LA Ref. 4067/24, condition no. 5 of this permission limited the use of the development to persons aged 55 and above, and in LA Ref. WEB1287/25, the owner operates the scheme for persons 55 years and over. I would also note an additional scheme (appeal ref. ABP-311279) not referred to by any of the parties, which relates to the construction of 80 no. independent residential units for the elderly in Dundalk, Co. Louth. The Board granted permission for this scheme and included Condition no. 2 as follows.

*The proposed development shall be used solely as an independent living residential of 59 apartments for the elderly. Reason: In the interest of the proper planning and sustainable development of the area and of clarity.*

- 8.8.4. This condition, in my view, would provide flexibility to the operator and is without any age specific criteria.
- 8.8.5. Separately I would note that the current proposed development includes an agreement with the Housing Section of the Council to provide 24 no. units for Part V compliance, but the Housing Section have not recommended any specific age criteria in respect of the proposed units.
- 8.8.6. Although the national, regional and local policy supports housing options for the elderly, and this includes CDP policies, such as Policy Objective PHP30 'Housing for All' which supports housing options for older people consistent with NPO 40 in the NPF and RPO 9.1 and 9.12 of the RSES, and support the provision of specific purpose-built accommodation, including assisted living units and adaptation of existing properties, and promoting opportunities for downsizing.
- 8.8.7. However, I would note that the policy provision referred to above does not specify an age category, more so the provision of such accommodation which can provide opportunities for older people to downsize from larger houses within their existing communities. The promotion of opportunities for downsizing would also apply to residents 55 years of age and over, thereby in turn creating more options for persons looking for larger housing units. I would consider that restricting the age category to

55 years of age and over, would also facilitate residents 65 years of age and over, and that such a scheme would be filled on a need basis and also less restrictive.

- 8.8.8. I would note that there is strong policy provision supporting housing options for the elderly generally, however the CDP or national policy does not specify age specific criteria. I would consider that the condition limiting the age category to 65 years and over is restrictive without any policy support for this specific age category. Therefore, having regard to the general nature of the policy support for the housing for the older age cohorts and also having regard to the precedents noted above, I would recommend to the Commission that condition 2 (a) is amended. I would note that the applicant is willing to accept a condition restricting the proposed Assisted Living Units for those 55 years and over, which I would consider acceptable.

## **8.9. Other Matters**

- 8.9.1. I note the appellant's comments in respect of CDP policy objectives OSR9 and ORS10 (refer to in para. 5.4.5. above). However having regard to the nature of the proposed development, which includes sports and recreational facilities for the residents and the local community and also provides for the protection of sports grounds / facilities, I am satisfied that the proposed development is consistent with both of these policy objectives.
- 8.9.2. The appellant refers that the proposed development would not be consistent with the draft publication, Design Guide for Long Term Residential Care (2025). However, this guidance document, prepared by the Department of Health, is a draft document and not adopted, as such development proposed would not be required to comply with these draft guidelines.

## **9.0 AA Screening**

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the South Dublin Bay SAC (Site Code 000210), the Rockabill to Dalkey Island SAC (Site Code

003000), the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the Dalkey Islands SPA (Site Code 004172) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2. This determination is based on:

- The absence of any ecological pathway from the development site to the nearest European Sites.
- The location of the development in a fully developed urban area.
- Location-distance from nearest European sites.

## **10.0 Water Framework Directive**

- 10.1. An assessment of the proposed development has been carried out in accordance with Article 4 of the Water Framework Directive and relevant EPA guidance, including best practice in sustainable drainage design.
- 10.2. The development incorporates appropriate surface water management measures, including Sustainable Drainage Systems (SuDS), designed to replicate greenfield runoff rates and provide treatment of surface water prior to discharge. The file documentation includes a SuDS-based drainage strategy, ensuring controlled discharge and no adverse impacts on downstream quality, ensuring no deterioration of water quality.
- 10.3. These measures ensure that there will be no increase in pollutant loading, no alteration of the receiving waterbody's hydrological regime, and no risk of deterioration in water quality or ecological status. Any residual risks identified during the assessment are capable of being addressed through standard mitigation measures and best practice construction management, (including the implementation of an appropriate Construction Environmental Management Plan (CEMP)).
- 10.4. The proposed development will not impact on the achievement of environmental objectives for any water body and is therefore considered compliant with the requirements of Article 4.



## 11.0 Recommendation

I recommend that planning permission for the proposed development should be granted for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

- 12.1. Having regard to the nature of the proposed development, the 'Sustainable Neighbourhood Infrastructure' zoning objective of the site and other policies and objectives of the Dun Laoghaire Rathdown County Development Plan, 2022 – 2028, the design, height and layout of the proposed development, it is considered that subject to the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would be in accordance with the provisions of the County Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority, as amended by the further information plans and particulars received by the planning authority on the 12<sup>th</sup> day of November 2025 and by the clarification of further information plans and particulars received by the planning authority on the 22<sup>nd</sup> day of January 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. a) The occupancy of the assisted living units shall be restricted to persons aged 55 years or older or to persons with a certified medical need for sheltered housing and spouses or partners of such persons. (b) The transitional care unit shall operate in accordance with the general definition of transitional care home, which refers to short term or interim care arrangement for individuals on a temporary basis and does not permit the use of the development as a Nursing home or similar.

**Reason:** To ensure that the proposed development is used as specified in the submitted plans and the interest of proper planning and the sustainable development of the area.

3. a) The Multi-use Games Areas, grass pitches, community facilities including community inter-generational tea rooms and associated areas shall be made available for dual use with structured community access to interested groups / sports clubs seven days a week. (b) Prior to the commencement of the development herein permitted, the applicant shall submit a schedule of availability to the Planning Authority for written agreement supported with details of the management and operational details of the proposed responsibility for the facility (i.e. School or Site Developer) and how / whom may be contacted in respect of same.

**Reason:** To accord with the SNI 'Sustainable Neighbourhood Infrastructure' zoning objective of the site.

4. Within the Assisted Living Facility each unit shall be used as a single dwelling unit and shall not be sub-divided any manner or used as two or more separate habitable units.

**Reason:** In the interest of clarity.

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

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

6. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

8. Parking areas serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

9. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

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

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

11. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

12. Proposals for a numbering scheme for the Assisted Living Units and associated signage for the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and numbers for residential units, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility.

13. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

14. A scheme indicating all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

15. No additional development shall take place above roof parapet level of the transitional care home and/ or assisted living units including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity and orderly development.

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

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

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

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

18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

19. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

20. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each residential unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the

agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

21. The development shall be carried out and operated in accordance with the provisions of the Travel Plan submitted to the planning authority on 25<sup>th</sup> February 2025. The specific measures detailed in Section 8.3 of the Travel Plan to achieve the objectives and modal split targets for the development shall be implemented in full upon first occupation of the development. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for the first 2 years following first occupation and shall submit the results to the planning authority for consideration and placement on the public file.

**Reason:** To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

23. (a) Prior to the commencement of any residential unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each residential unit), pursuant to Section 47 of the Planning and

Development Act 2000, as amended, that restricts residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing. (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified residential unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing. (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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



referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

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Kenneth Moloney  
Senior Planning Inspector

16<sup>th</sup> June 2026

## Appendix 1: Form 1 EIA Pre-Screening

|                                                                                                                                                                                                                                                                       |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                 | PL-500992-DR-26                                                                         |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                   | Assisted living facility comprising 119 units over four, 5-6 storey residential blocks. |
| <b>Development Address</b>                                                                                                                                                                                                                                            | Lands Adjoining, St. Laurence College, Wyattville Park, Loughlinstown, Co. Dublin.      |
| <b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>                                                                                                                                                                                                                        |                                                                                         |
| <b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>                                                                                                                                                            | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.             |
|                                                                                                                                                                                                                                                                       | <input type="checkbox"/> No, No further action required.                                |
| (For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) |                                                                                         |
| <b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>                                                                                                                       |                                                                                         |
| <input type="checkbox"/> Yes, it is a Class specified                                                                                                                                                                                                                 |                                                                                         |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3                                                                                                                                                                          |                                                                                         |

|                                                                                                                                                                                                                                                                               |                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| <b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b> |                                                                                                        |
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.                                                                              |                                                                                                        |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.                                                                                                                                                                         |                                                                                                        |
| <input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.                                                                                                                                                                         | Class 10(b)(i) of Part 2: threshold 500 dwelling units.<br>Class 10(b)(iv) of Part 2: threshold 10 ha. |
| <b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>                                                                                                               |                                                                                                        |
| Yes <input type="checkbox"/>                                                                                                                                                                                                                                                  | <b>Screening Determination required (Complete Form 3)</b>                                              |
| No <input checked="" type="checkbox"/>                                                                                                                                                                                                                                        | <b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>                              |

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2: Form 2 - EIA Preliminary Examination

|                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                                               | PL-500992-DR-26                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                                                 | Assisted living facility comprising 119 units over four, 5-6 storey residential blocks.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Development Address</b>                                                                                                                                                                                                                                                                          | Lands Adjoining, St. Laurence College, Wyattville Park, Loughlinstown, Co. Dublin.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p> | <p>The proposed development is to comprise of an 'Assisted Living Facility' across four blocks (Blocks A to D) and consisting of 119 no. units. The proposal will also include the construction of a transitional care home (Block E) providing 180 no. bedspaces. The proposed development ranges in height from 5 to 6 storeys. The proposal will also retain existing sporting facilities, including playing pitches and 2 no. MUGA facilities.</p> <p>Project would cause physical changes to the appearance of the site during the construction and operation (occupation) phases. However, the former would be temporary in nature and not significant, and the latter are associated with new buildings, boundaries, and landscaping. These are within acceptable parameters for this suburban zoned site and the receiving area.</p> <p>During the construction phases the proposed development would generate waste. However, given</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the proposed use. The proposed development does not involve any demolition.</p> <p>The development, by virtue of its residential type, that includes Assisted Living Units and residential institution, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>                                                                                                                                                                                |
| <p><b>Location of development</b><br/>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p> | <p>The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological importance, or any sites known for cultural, historical or archaeological significance.</p> <p>The nearest designated site to the appeal site is the Rockabill to Dalkey Island SAC (Site Code 003000) situated 3 km to the east, The Dalkey Islands SPA (Site Code 004172) is situated 4 km to the northeast of the development site. South Dublin Bay SAC (Site Code 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) both situated 5.3 km to the north.</p> <p>I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.</p> |
| <p><b>Types and characteristics of potential impacts</b></p>                                                                                                                                                                                                                                                                                                                                                                              | <p>Having regard to the suburban site and the scale of the proposed development and the nature of construction</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation). | works associated with the development, its location removed from any sensitive habitats / features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment. |
| <b>Conclusion</b>                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                              |
| <b>Likelihood of Significant Effects</b>                                                                                                                                                                          | <b>Conclusion in respect of EIA</b>                                                                                                                                                                                                                                          |
| <b>There is no real likelihood of significant effects on the environment.</b>                                                                                                                                     | EIA is not required.                                                                                                                                                                                                                                                         |
| <b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b>                                                                                               | <del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del>                                                                                                                                                                           |
| <b>There is a real likelihood of significant effects on the environment.</b>                                                                                                                                      | <del>EIAR required.</del>                                                                                                                                                                                                                                                    |

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

### Appendix 3 – Appropriate Assessment Screening

#### Screening for Appropriate Assessment Test for likely significant effects

##### Step 1: Description of the project and local site characteristics

Case file PL-500992-DR-26

##### Brief description of project

Normal Planning Appeal

Assisted living facility comprising 119 units over four, 5-6 storey residential blocks and a transitional care home facility. Development also includes communal uses, 97 no. car parking spaces and 30 no. bicycle parking spaces.

See section 2 of Inspectors Report

##### Brief description of development site characteristics and potential impact mechanisms

The proposed development is to comprise of an 'Assisted Living Facility' across four blocks (Blocks A to D) and consisting of 119 no. units. The proposal will also include the construction of a transitional care home (Block E) providing 180 no. bedspaces. The proposed development ranges in height from 5 to 6 storeys

The site is located within Loughlinstown, Co. Dublin, adjoining St. Lawrence College and adjacent to the N11.

The site is an urban site and will be served by public water main, public drainage scheme and public surface water drain. There are no waterbodies within the site or adjoining the subject site.

The nearest designated site to the appeal site is the Rockabill to Dalkey Island SAC (Site Code 003000) situated 3 km to the east of the subject site and Dalkey Islands SPA (Site Code 004172) situated c. 4 km to the northeast of the development site. South Dublin Bay SAC (Site Code 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) are both located 5.3 km to the north of the appeal site.

##### Screening report

Y (Prepared by Altamar Ltd. Marine and Environmental Services).

Dun Laoghaire-Rathdown County Council's planners report included an AA Screening Report and concluded that the proposed development would not significantly impact upon a Natura 2000 site.



|                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                |                                    |                                                                   |                                   |
|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------------------------------------|-----------------------------------|
|                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                |                                    |                                                                   |                                   |
| Natura Impact Statement                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                | N                                  |                                                                   |                                   |
| Relevant submissions                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                | None                               |                                                                   |                                   |
|                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                |                                    |                                                                   |                                   |
| Step 2. Identification of relevant European sites using the Source-pathway-receptor model |                                                                                                                                                                                                                                                                                                                                                                                                |                                    |                                                                   |                                   |
| European Site (code)                                                                      | Qualifying interests Link to conservation objectives (NPWS, date)                                                                                                                                                                                                                                                                                                                              | Distance from proposed development | Ecological connections                                            | Consider further in screening Y/N |
| South Dublin Bay SAC (Site Code 000210)                                                   | Mudflats and sandflats not covered by seawater at low tide<br><br>Annual vegetation of drift lines<br><br>Salicornia and other annuals colonising mud and sand<br><br>Embryonic shifting dunes<br><br><u>Conservation Objective:</u> 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. | 5.3 km                             | No direct connection.<br><br>Weak indirect wastewater connection. | Y                                 |
| Site Rockabill to Dalkey Island SAC (Site Code 003000)                                    | Reefs<br><br>Phocoena phocoena (Harbour Porpoise)<br><br><u>Conservation Objective:</u> 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.                                                                                                                                              | 3 km                               | No direct connection<br><br>Weak indirect wastewater connection.  | Y                                 |

|                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |        |                                                                         |   |
|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------------------------------------------------------------------------|---|
| South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) | <p>Light-bellied Brent Goose</p> <p>Oystercatcher</p> <p>Ringed Plover</p> <p>Grey Plover</p> <p>Knot</p> <p>Sanderling</p> <p>Dunlin</p> <p>Bar-tailed Godwit</p> <p>Redshank</p> <p>Black-headed Gull</p> <p>Roseate Tern</p> <p>Common Tern</p> <p>Arctic Tern</p> <p>Wetland and Waterbirds</p> <p><u>Conservation Objective:</u> 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> | 5.3 km | <p>No direct connection</p> <p>Weak indirect wastewater connection.</p> | Y |
| The Dalkey Islands SPA (Site Code 004172)                       | <p>Roseate Tern</p> <p>Common Tern</p> <p>Arctic Tern</p> <p><u>Conservation Objective:</u> 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>                                                                                                                                                                                                                                           | 4 km   | <p>No direct connection</p> <p>Weak indirect wastewater connection.</p> | Y |
| <b>Further Commentary / discussion</b>                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |        |                                                                         |   |

In respect of the South Dublin Bay SAC (Site Code 000210), the Rockabill to Dalkey Island SAC (Site Code 003000), the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the Dalkey Islands SPA (Site Code 004172) there is no hydrological connectivity between these European sites and the development site.

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

**AA Screening matrix**

| Site name<br>Qualifying interests                                                                                                                                                                                                                                                                                   | Possibility of significant effects (alone) in view of the conservation objectives of the site*                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                     | Impacts                                                                                                                 | Effects                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b><u>Site 1</u></b></p> <p><b>South Dublin Bay SAC (Site Code 000210)</b></p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p> | <p>Wastewater connection and issues in relation to hydraulic overloading from the proposed development on the WWTP.</p> | <p>The wastewater from the development site will be piped to public foul main and onto WWTP. I would note that in order to accommodate the proposed connection, removal of storm water flow from the local combined sewer network. Uisce Eireann submit that the Applicant's proposal is to divert storm water flow, which is generating from Ballybrack Boxing Club hardstanding area (approx. 850sqm), currently discharging to the adjacent wastewater sewer, into the adjacent stormwater sewer.</p> <p>An increase in PE associated with the proposed development would be negligible given the scale of the development and Uisce Eireann, in their report to the PA, have no objections in principle to the proposed development. I am satisfied that no significant impacts to the European Sites can arise from wastewater issues or additional loading on the public infrastructure as a result of the proposed development.</p> |

|                                                                                                                                                                                                                                                                                                                            |                                                                                                                       |                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                            |                                                                                                                       | Conservation objectives would not be undermined. |
|                                                                                                                                                                                                                                                                                                                            | Likelihood of significant effects from proposed development (alone):<br><b>No</b>                                     |                                                  |
|                                                                                                                                                                                                                                                                                                                            | If No, is there likelihood of significant effects occurring in combination with other plans or projects?<br><b>No</b> |                                                  |
|                                                                                                                                                                                                                                                                                                                            | <b>Impacts</b>                                                                                                        | <b>Effects</b>                                   |
| <b><u>Site 2</u></b><br><br><b>The European Site Rockabill to Dalkey Island SAC (Site Code 003000)</b><br><br>Reefs [1170]<br><br>Phocoena phocoena (Harbour Porpoise) [1351]                                                                                                                                              | Wastewater connection and issues in relation to hydraulic overloading from the proposed development on the WWTP.      | As above.                                        |
|                                                                                                                                                                                                                                                                                                                            | Likelihood of significant effects from proposed development (alone):<br><b>No</b>                                     |                                                  |
|                                                                                                                                                                                                                                                                                                                            | If No, is there likelihood of significant effects occurring in combination with other plans or projects?<br><b>No</b> |                                                  |
|                                                                                                                                                                                                                                                                                                                            | <b>Impacts</b>                                                                                                        | <b>Effects</b>                                   |
| <b><u>Site 3</u></b><br><br><b>South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)</b><br><br>Light-bellied Brent Goose (Branta bernicla hrota) [A046]<br><br>Oystercatcher (Haematopus ostralegus) [A130]<br><br>Ringed Plover (Charadrius hiaticula) [A137]<br><br>Grey Plover (Pluvialis squatarola) [A141] | Wastewater connection and issues in relation to hydraulic overloading from the proposed development on the WWTP.      | As above.                                        |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                       |                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|----------------|
| <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p> |                                                                                                                       |                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Likelihood of significant effects from proposed development (alone):<br><b>No</b>                                     |                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | If No, is there likelihood of significant effects occurring in combination with other plans or projects?<br><b>No</b> |                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Impacts</b>                                                                                                        | <b>Effects</b> |
| <p><b><u>Site 4</u></b></p> <p><b>The Dalkey Islands SPA (Site Code 004172)</b></p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p>                                                                                                                                                                                                                                                                                                                                                                                 | Wastewater connection and issues in relation to hydraulic overloading from the proposed development on the WWTP.      | As above.      |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                       |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|--|
| Common Tern (Sterna hirundo) [A193]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                       |  |
| Arctic Tern (Sterna paradisaea) [A194]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                       |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Likelihood of significant effects from proposed development (alone):<br><b>No</b>                                     |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | If No, is there likelihood of significant effects occurring in combination with other plans or projects?<br><b>No</b> |  |
| <b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                       |  |
| I conclude that the proposed development (alone) would not result in likely significant effects on the South Dublin Bay SAC (Site Code 000210), the Rockabill to Dalkey Island SAC (Site Code 003000), the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the Dalkey Islands SPA (Site Code 004172). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions. |                                                                                                                       |  |

## Screening Determination

### Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the South Dublin Bay SAC (Site Code 000210), the Rockabill to Dalkey Island SAC (Site Code 003000), the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the Dalkey Islands SPA (Site Code 004172) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The absence of any ecological pathway from the development site to the nearest European Sites.
- The location of the development in a fully developed urban area.
- Location-distance from nearest European sites.