

**APPLICANT:** Dundrum Retail GP DAC

**DEVELOPMENT ADDRESS:** site incorporating the old Dundrum Shopping Centre known as Dundrum Village Centre (D14K3T7) and adjacent properties to the west of Main Street, Dundrum, Dublin 14

**COMPETENT AUTHORITY FOR DECISION MAKING:** An Bord Pleanála (ABP).

**DLR/ABP REFERENCE:** ABP-313220-22.

**RECEIPT OF APPLICATION:** 31<sup>st</sup> March 2022. (receipt of notification of validation from the board 12<sup>th</sup> April 2022).

## **APPLICANT'S DESCRIPTION OF THE PROPOSED DEVELOPMENT AS PER THE STATUTORY NOTICES**

*The development will consist of a total gross floor area (gfa) of 88,442.0sqm comprising 881 apartments and ancillary accommodation totalling 83,983.3sqm GFA and 4,458.7sqm of non-residential uses. The proposed development is laid out in 11 blocks across 4 zones as follows:*

*Zone 1 (29,965.2sqm gfa): This zone comprises Blocks 1A, 1B and 1C ranging from 5 storeys to Main Street (Block 1C) to 10-16 storeys on Dundrum By-pass and establishing a landmark 16 storey building at the northernmost point of the site. This zone will comprise 292no. apartments with a total residential gross floor area of 27,565.3sqm (comprising 1no. studio, 115no. 1 bed, 19no. 2 bed 3 person, 134no. 2 bed 4 person and 23no. 3 bed units) with ancillary accommodation and associated private balconies. The blocks are arranged around a landscaped courtyard communal amenity space above podium level and there are 4no. communal roof garden terraces on Blocks 1A, 1B and 1C. Non-residential uses in Zone 1 (2399.9sqm) comprises 1no. retail unit (330.3sqm), a retail foodstore (2,028.1sqm), and other ancillary accommodation (41.5sqm). The area below podium includes 52no. car parking spaces, 2no. motorcycle spaces and 525no. bicycle spaces.*

*Zone 2 (23,127.8sqm gfa): This zone comprises Blocks 2A, 2B and 2C ranging from 5 storeys on Main Street (Block 2C) to 9-12 storeys to the rear on Dundrum Bypass. This zone will comprise 239no. apartments with a total residential gross floor area of 22,624.0sqm (comprising 87no. 1 bed, 40no. 2 bed 3 person, 85no. 2 bed 4 person and 27no. 3 bed units) with ancillary accommodation and associated private balconies. The blocks are arranged around a landscaped courtyard communal amenity space traversed by a public street and there are 3no. communal roof garden terraces on Blocks 2A and 2B. Non-residential uses in Zone 2 (503.8sqm) comprises 4no. retail units (482.8sqm) on Main Street and other ancillary accommodation (21sqm). The area below podium includes 144no. car parking spaces, 7no. motorcycle spaces and 425no. bicycle spaces.*

*Zone 3 (22,152.8sqm gfa): This zone comprises Blocks 3A, 3B and 2C ranging from 5 storeys on Main Street (Block 3C) to 9-11 storeys to the rear on Dundrum Bypass. This*

zone will comprise 222no. apartments with a total residential gross floor area of 21,745.1sqm (comprising 75no. 1 bed, 25no. 2 bed 3 person, 103no. 2 bed 4 person and 19no. 3 bed units) with ancillary accommodation and associated private balconies. No.'s 1-3 Glenville Terrace (585.2sqm) are to be retained, refurbished and amalgamated and will be used for resident services and amenities / resident support facilities for the overall development and the rear returns will be replaced like for like). The blocks are arranged around a landscaped courtyard communal amenity space traversed by a public street and there are 3no. communal roof garden terraces on Blocks 3A and 3B. Non-residential uses in Zone 3 (407.8sqm) comprises 2no. retail units (218.4sqm) and a café/ restaurant (167.2sqm) fronting Main Street and other ancillary accommodation (22.2sqm). The area below podium includes 112no. car parking spaces, 5no. motorcycle spaces and 389no. bicycle spaces.

**Zone 4 (13,196.2sqm gfa):** This zone comprises Blocks 4B ranging from 3 to 5 storeys on Main Street (with 6 storeys to internal street) and Block 4A ranging from 8 to 10 storeys to the rear on Dundrum By-pass. This zone will comprise 128no. apartments with a total residential gross floor area of 12,049.0sqm (comprising 58no. 1bed, 57no. 2 bed 4 person and 13no. 3 bed units) with ancillary accommodation and associated private balconies. The blocks are arranged around a landscaped courtyard communal amenity space traversed by a public street and there is a communal roof garden space on Block 4A. Non-residential uses in Zone 4 (1147.2sqm) comprises 3no. retail/ commercial units (365.1sqm), 3no. café / restaurant units (236.3sqm) and a creche (523.1sqm) with associated enclosed outdoor play area addressing Main Street and Church Square and other ancillary accommodation (22.7sqm). The area below podium includes 65no. car parking spaces, 3no. motorcycle spaces and 247no. bicycle spaces. A revised entrance arrangement to existing basement of No.16/17 Main Street is provided as part of Block 4B. The development includes a new public street running on a north-south axis through the site and a series of new public spaces located between the 4 zones and which facilitate new street connections to Main Street. In addition, a new public open space known as "Church Square" (c. 0.2ha) is proposed to the rear of Holy Cross Church and will integrate with the lower ground floor Parish Pastoral Centre. Church Square will be connected via a new stairs and lift to Ballinteer Road and via stairs to the Dundrum Bypass. A new east-west pedestrian/cycle linkage is proposed linking Main Street to Sweetmount Park located on the western side of Dundrum Bypass via a new pedestrian/ cycle bridge. The proposed development involves closure of existing vehicular access to the old shopping centre on Main Street and entrance to carpark at rear of former Mulvey's hardware immediately north of the Parochial House. 3no. vehicular access / egress points will be provided on Dundrum Bypass which serve an internal access road, service/ loading areas and basement parking areas. A total of 373no. car parking spaces, 17no. motorcycle parking spaces and 1,750 bicycle parking spaces are proposed. The lower ground floor car parking area has a vehicular link under Ballinteer Road / Dom Marmion Bridge to connection to Dundrum Town Centre basement car parking area. New / upgraded pedestrian crossings are proposed on Main Street, at the entrance to Dundrum Luas station adjacent to Usher House and on Ballinteer Road connecting to Pembroke District.

Permission is also sought for demolition of all existing buildings on site (excluding No.'s 1-3 Glenville Terrace), upgrading of footpaths, pedestrian crossings, foul and surface water drainage infrastructure, compensatory flood storage and flood mitigation measures, signage and all associated site and development works.

## **1. STATUTORY REQUIREMENTS OF THIS REPORT**

**Report prepared pursuant to s.8(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)**

5) (a) The planning authority or authorities in whose area or areas the proposed strategic housing development would be situated shall, within 8 weeks from its receipt of a

*copy of the application under section 4(1) , each prepare and submit to the Board a report of its Chief Executive setting out—*

*(i) a summary of the points raised in the submissions or observations duly received by the Board in relation to the application,*

*(ii) the Chief Executive's views on the effects of that proposed development on the proper planning and sustainable development of the area of the authority and on the environment, having regard in particular to—*

*(I) the matters specified in section 34(2) of the Act of 2000, and*

*(II) submissions and observations duly received by the Board in relation to the application,*

*and*

*(iii) where the meeting or meetings referred to in subsection (4)(c)(ii) has or have taken place, a summary of the views of the relevant elected members on that proposed development as expressed at such meeting or meetings,*

*and, for the above purposes, the Board shall send to each planning authority concerned copies of any submissions and observations duly received by the Board in relation to the application according as they are received.*

*(b) In the report referred to in paragraph (a) the planning authority shall—*

*(i) set out the authority's opinion as to whether the proposed strategic housing development would be consistent with the relevant objectives of the development plan or local area plan, as the case may be,*

*(ii) include a statement as to whether the authority recommends to the Board that permission should be granted or refused, together with the reasons for its recommendation, and*

*(iii) specify in the report—*

*(I) where the authority recommends that permission be granted, the planning conditions (if any), and the reasons and grounds for them, that it would recommend in the event that the Board decides to grant permission, or*

*(II) if appropriate in the circumstances, where the authority recommends that permission be refused, the planning conditions, and the reasons and grounds for them, that it would recommend in the event that the Board decides to grant permission.*

## **1.1 COMPETENCY**

The Planning Authority notes the Board is the competent authority in relation to:

- i. Screening the prospective development as a Strategic Housing Development (SHD)
- ii. Environmental Impact Assessment (EIA) Screening/Scoping, the consideration of any EIA Report prepared by the applicant and the carrying out of an EIA of any SHD application

- iii. The consideration of Stage 1/Stage 2 Natura Impact Statement prepared by the applicant and the carrying out of an Appropriate Assessment Screening or Appropriate Assessment of any SHD application
- iv. The determination of any SHD application.



## 2. **PROPOSED STRATEGIC HOUSING DEVELOPMENT**

The proposed strategic housing development may be broken down into the following key parts:

<b>Parameter</b>	<b>Site Proposal</b>
<b>No. of Units</b>	881 No. Apartments
<b>Site Area</b>	c. 3.53 hectares
<b>Density</b>	Gross: 250 units per hectare Net: 294 units per hectare (as stated)
<b>Demolition</b>	9,802 sq m (all existing buildings on site, excluding No.'s 1-3 Glenville Terrace))
<b>Other uses</b>	Non-residential uses 4,458.7 (as stated) comprising: <ul style="list-style-type: none"> <li>• Creche: 523.1 sq m</li> <li>• Retail: 3,424.7 sq m (including 2,028 sq m foodstore)</li> <li>• Café/restaurant: 403.5 sq m</li> <li>• Commercial plant: 107.4 sq m</li> </ul>
<b>Building Height</b>	Generally ranging from 3 to 16 storeys.
<b>Dual Aspect</b>	60% (as stated)
<b>Car Parking</b>	373 No. spaces comprising: <ul style="list-style-type: none"> <li>• 318 No. residential spaces (c.0.36 spaces/unit).</li> <li>• 55 No. non-residential spaces.</li> </ul>
<b>Bicycle Parking</b>	1,750 No., comprising: <ul style="list-style-type: none"> <li>• 1508 No. residential spaces;</li> </ul>
<b>Motor Cycle Parking</b>	17 No. spaces
<b>Part V</b>	88 units on-site.
<b>Public Open Space</b>	5,326 sq m (15% of site area) (as stated)
<b>Communal Open Space</b>	5,574 sq m (of which 1,971 sq m in roof terraces)

The unit mix is as follows:

<b>Type</b>	<b>No. of Units</b>	<b>% of Units</b>
Studios	1	0.1%
1-bedroom unit	335	38%
2-bedrooms units	463	52.5%
3-bedrooms units	82	9.3%
	<b>Total 881</b>	<b>Total 100%</b>

## **2.1 Site Services**

In term of site services, the proposed development will have separate foul and surface water drainage networks which, in turn, will discharge off site to separate existing foul and surface water systems.

In terms of drinking water supply the development will be connected to the existing 300mm main.

In relation to foul drainage, the Applicant proposed to connect to existing public infrastructure on the west side of the Dundrum Bypass.

## **2.2 Specialist Reports**

In addition to the architectural, landscaping and engineering drawings, the following reports and documentation were submitted:

- Cover Letter
- Application Form
- Letters of Consent
- Site Notice
- Newspaper Notice
- Part V Proposal
- Part V Allocation
- EIA Portal Confirmation Notice
- Letter to Local Authority
- Letter to Prescribed Bodies
- Planning Statement / Response to ABP Opinion
- Statement of Consistency and Material Contravention Statement
- Schedule of Accommodation
- Design Statement
- Housing Quality Assessment
- Landscape Design Statement
- Arboricultural Assessment + Impact Report
- Engineering Services Report (incl. IW Confirmation of Feasibility and Design Acceptance)
- Site Specific Flood Risk Assessment
- Outline Construction Management Plan
- Transport Assessment (Incl. Statement of Consistency with DMURS)
- Mobility Management Plan
- Environmental Impact Assessment Report (EIAR) – Vol 1
- Environmental Impact Assessment Report (EIAR) – Vol 2
- Public Lighting Design Report
- Energy & Sustainability Statement
- Daylight and Shadow Impact Assessment
- Site Specific Construction and Demolition Waste Management Plan
- Operational Waste Management Plan
- Microclimatic Wind Analysis and Pedestrian Comfort Report
- Appropriate Assessment Screening & Natura Impact Statement
- Property Management Strategy Report
- Building Lifecycle Report
- Telecommunications Report

## **3. SUBMISSIONS/OBSERVATIONS**

704 No. submissions were received for the subject SHD Application, including submissions from An Taisce; Inland Fisheries Ireland; the Department of Housing, Local Government

and Heritage; the National Transport Authority; Transport Infrastructure Ireland; Irish Water and the Irish Aviation Authority. A summary of the issues raised is as follows:

#### **Zoning/DP matters**

- MTC objective of mixed uses not achieved.
- Proposed mix of uses limited.
- Material contravention of the Dun Laoghaire-Rathdown County Development Plan 2022-2028.
- Material contravention of site's zoning objectives.
- MTC-zoned lands are an extremely scarce and valuable resource in the county and should be used appropriately.
- Contravention of Objective 'A' zoning of Sweetmount Park and Sweetmount Avenue, as their residential amenity will only be protected by a refusal of permission.
- The proposed development contravenes SLO6, SLO8, SLO9, SLO10, SLO11, SLO114, SL123 and SLO124 of the DLR County Development Plan 2022-2028.
- The proposed development contravenes Section 12.3.3.1 of the DLR County Development Plan 2022-2028 with regard to housing mix.
- The 2003 Urban Framework Plan is out of date and should not be relied on.
- The DP promotes the reuse of Mahers Terrace, which this does not fulfil.
- The proposal contravenes policy objectives MFC1 and MFC3, relating to enhancing and supporting town and centres
- The proposal contravenes policy objectives RET4 and RET5, relating to promoting retail uses
- The proposal fails to meet the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031.
- The development is noncompliant with the Development Management Guidelines
- The development is noncompliant with the Sustainable Residential Development in Urban Areas.
- The proposed development contravenes the content of National Policy Objectives 6, 11, and 35 of the National Planning Framework.

#### **Height/Scale/Mass/Appearance**

- Increased height must ensure balance with existing amenities.
- Proposed height is significantly taller than that existing in the area.
- The height and scale of the development is excessive
- Proposed height on Main Street is out of keeping with Dundrum's character and scale.
- Overbearing appearance of proposed development.
- The main street will be overshadowed.
- The development should be scaled down, as per the Central Mental Hospital SHD proposal.
- The positive visual impact of the Luas bridge will be dwarfed by the development.
- Overlooking and overshadowing onto Sweetmount Avenue.
- The proposed height doesn't comply with SPPR3 as it is not of the scale of the neighbourhood or street
- The wider views of the village and Dublin Mountains will be negatively impacted by the proposed development.
- The development should be no more than 5 storeys in height.
- The development along Main Street would be culturally and architecturally inappropriate.
- The 'block' design that the developers favour lacks the required permeability that is so required for such as an intensive series of structures.
- Space between buildings will be dark and cold for much of the year due to the design of the proposed development.
- Loss of up to 25% of sunlight in existing homes.
- The scale of development would alter the character of the area.

- This will create a lopsided landscape.
- Excessive height can lead to social issues
- The height should be in keeping with the existing shopping centre.
- Urban Design Manual guidance recommends a building height to street width ratio of 1:3, meaning buildings on Main Street should be no more than 5.6m in height.
- The proposed public street will be on private property, so will not be public at all.

### **Infrastructure**

- The infrastructure in the area cannot support this development.
- Public transport in the area is overburdened and cannot increase capacity.
- Water pressure in the area will drop.
- The sewage system cannot accommodate this
- Dedicated cycle infrastructure is needed.
- Cycle lanes and pedestrianized areas have not been a priority as part of this application.
- The application makes no reference to the potential impact the proposed development may have on Digital Terrestrial Television (DTV) signals broadcast from Three Rock Mountain.
- Buses will no longer be able to use Main Street
- Many community and recreational facilities in the area are at capacity.

### **Conservation/Heritage**

- Demolition of a building in the ACA shouldn't be allowed.
- Demolishing historic buildings is contrary to the CDP.
- The development would dominate the streetscape.
- Main Street will have very little light.
- Height of the proposed development will isolate Glenville Terrace.
- The buildings at Waldemar Terrace should not be demolished.
- The proposed development will strip Main Street of Character
- Carnegie Library will be overshadowed
- The post office building should be restored.
- It would remove the focus point from Main Street.
- The feeling of the village will be lost.
- A marker for Stephen Roche and the Tour de France should be included
- The application does not provide an in-depth assessment of the existing ACA and Main Street
- The existing terrace will not be integrated at all
- The old post office was relevant to the War of Independence and should be preserved.
- Some of the buildings to be demolished featured on postcards of the area
- Claims that buildings need to be demolished in order to widen pavements are false.
- Previous permissions for demolition of buildings on Main Street should not be taken into account as they are expired permissions.
- The applicant has not shown that the buildings proposed for demolition are in disrepair
- Holly Cross Church is a protected structure and the proposed development impacts on its character.

### **Retail and facilities**

- Not enough it proposed to replace the existing retail that will be lost.
- Not enough facilities are proposed as part of the development.
- Development should be "mixed-use" in nature.
- No Civic, cultural or community facilities are proposed
- No civic square is proposed.
- There are not enough school spaces in the area to accommodate more people.
- There are not enough GP spaces in the area to accommodate more people.
- Local business will leave the area.

- A new library and hotel should have been included.
- Aspects of the Old Shopping Centre, such as the post office, need to be retained.
- A public pool should be included.
- Older people benefit from the existing services in the Dundrum Village Centre.
- Location of proposed library is confusing.
- Retail on Main Street should be more local in nature (newsagents, butchers, bakeries, etc.)
- Current retail services will be replaced by housing, resulting in job losses.
- Residents in Lynwood primarily use daily services on Main Street that will be lost by the proposed development.
- The proposed development provides an inadequate assessment of local school capacity.
- Health services, like GP practices, will be impacted by the proposed development.
- A boutique hotel should be provided on site.
- Childcare facilities in the local area are at capacity, with at least one year waiting lists. Many of the existing childcare facilities listed by the Applicant can only be reached by car.
- The local Garda station will be unable to cope with increased anti-social activity.
- A new health centre is needed.
- 2020 audit of facilities by the council should have been taken into account.
- This proposal does not create any jobs in the area.
- Aesthetics of the development are not consistent with the surrounding area.
- More creche spaces are needed.
- Some retail is not transferable to the new development and will be lost.
- The development should include office space.
- Retail and amenities should be provided in early phases.
- There is a lack of "after hours" facilities.
- More shops will be removed than the 13 proposed units
- A sports hall, pitches or gym are needed.
- Dundrum shopping centre is too focused on fashion to be the sole retail centre.
- Public toilets should have been included.
- Many small businesses cannot weather 8 years of construction.
- The creche provided is not big enough and will only cater for children within the development.
- There should be a better range of employment within the scheme
- The retail spaces should have dual frontage
- Dundrum's existing community facilities for meetings are generally linked to religious institutions – the proposed development should include the provision of a secular, civic space.
- The proposed retail provision is not provided at enough frequency along the Main Street.
- The provision of live/work units should have been considered.
- Dundrum has lost a large number of retail services and entertainment amenities in the last 20-30 years.
- The reduction in retail provision will impact employment prospects in the area.
- Will existing business owners on Main Street be offered the opportunity to rent units in the new development?
- Ambiguity for existing business owners with regard to development timeframes and the associated impact on their operation.

### **Traffic**

- This will make traffic concerns in the area worse.
- Not enough car parking spaces are being provided; this will lead to street parking and further congestion.
- Ambulances will get stuck in traffic.
- Car parking spaces need to be allocated to local businesses.
- The traffic survey was conducted during lockdown and therefore is not acceptable

- Access to publicly available car parking will be severely reduced.
- Reliance on projects outside the Applicant's control for the development to function.
- Accuracy of predicted travel patterns is questioned.
- Proposed bus lay-bys would impact existing cycle tracks.
- Cumulative impact of other planned developments (including the Central Mental Hospital) will increase traffic congestion and public transport demand.
- The Mobility Management Plan is aspirational, rather than realistic, and more detail is required to confirm how its content may be delivered.
- Parking for people attending the parish church will be affected by the proposed works.
- The provision of 55 No. public parking spaces in the proposed development, with access from the bypass only, is inadequate. Public parking spaces with access from Main Street should be provided.
- The proposed development will impact on the small, vital businesses that operate on Main Street.
- The Applicant should provide free overnight parking to residents of the proposed development within the existing DTC car park, as it lies idle and unused at that time.
- The proposed development will result in traffic being diverted through Sweetmount Avenue and other residential areas.
- The existing car park serves the whole Main Street and will not be adequately replaced.
- The development would cause more traffic accidents.
- There are not enough bike lanes to support 1,750 new bicycle parking spaces.
- Proximity to the M50 will encourage more people to drive.
- During construction, builders will be parking in the area.
- The new development is so tall it will distract drivers.
- The application has not addressed the loss of the existing car parking in old shopping centre.
- The bypass needs to be widened in the interest of traffic safety, and the proposed development would leave no room for that.
- Increased traffic will impact the operation of all emergency services.
- The reduction in publicly available parking in Dundrum will have a negative impact in the area of recruitment and retention of staff.
- All deliveries made to the development site, including during the construction phase, shall be made to limit interference with Luas operations and shall not impede passenger access to Luas.
- The Luas operator/TII will require 24hr access to Luas infrastructure. Prior to the commencement of development, the developer shall enter into an access and maintenance agreement with TII.
- NTA would welcome a condition that requires the applicant to liaise with the NTA and DLRCC to agree an alternative arrangement for the planned bus facility, and states that the use of the proposed northern vehicular site access would be dependent on the satisfactory resolution of this issue. Should this matter remain unresolved, the bus facility on the bypass would remain at the current location and a grant of permission for the subject application, specifically regarding the northern vehicular access, would not be aligned with the objectives of the Transport Strategy.

#### **Open space/ Parks**

- Not enough open space is proposed.
- A playground is needed as there is none in the area.
- An urban farm should be included.
- The public meeting areas proposed are poorly located.
- Location of park area will lead to anti-social behaviour.
- Size of the park behind the church is far too small.

- There is a general lack of provision of open spaces in the area, including at Upper Kilmacud Road and Holywell.
- Roof top space being used as communal/amenity space should not be considered as best/accepted practice.
- Roof gardens should be included.
- The applicant states an excess of amenity space has been provided when only the minimum has been provided.
- No privacy buffers between amenity space and homes has been provided. If these were to be provided, amenity space would be reduced and fall short of the minimum amount
- Too much of the amenity space are roof gardens.
- The transitional spaces are not well defined.
- Usher place seating is provided against walls of apartments
- The open space lacks permeability.
- The proposed church square use for fairgrounds etc. is questionable due to access.
- There is between a 23-25% shortfall in amenity space.
- The church square should open onto Main street.
- The church square location is too noisy due to the bypass.
- More planting is needed.
- Sweetmount Park shouldn't have been handed over to the developer
- Proposed courtyard gardens will be overshadowed
- Open space areas should not be gated
- The new path in Sweetmount Park will remove trees there.
- Open Space between blocks 1C and 2C are shown but it is not wide enough.
- Open Space is not well enough overlooked
- Block 2C should be replaced with a pocket park.
- No consultation with the church has taken place regarding locating open space for events within metres of their building.
- The open space proposed near the Ballinteer Bridge is too steep.
- The existing car parking at the old shopping centre should be the area proposed for open space.
- The proposed open spaces are for transient use, not amenity space.
- Communal open space is poorly designed.
- The public open space to the south end is not accessible to those living in the north end.
- The pandemic has shown the importance of the provision of open space.

### **Design**

- The design is a visual failure and will impact on visual amenity.
- The development is overbearing.
- The development will overshadow existing homes.
- Design is bland and repetitive.
- It is imposing.
- Improvement on existing streetscape of a 1960's building is not an inherent mandate for construction up to 16 storeys.
- No need for an additional landmark due to the presence of the William Dargan bridge.
- Lack of architectural variety and relief.
- The development is homogenous and repetitive.
- Assertion that a large building is required for wayfinding purposes is misleading.
- Inadequate access to the development for emergency vehicles.
- Quantum of single aspect and/or north facing units is too high.
- Dundrum Bypass will become a dark, bleak tunnel.
- The architecture of the proposal is ugly and needs a complete redesign.
- The applicant has previously sympathetically restored historical buildings so they are capable of providing an aesthetically pleasing design if they so wish.
- The bridge and church are already landmarks.



- Buildings are too close to the footpath.
- The development will create wind tunnels.
- Apartments are too small.
- The development would be ugly, both up close and from a distance.
- The entrances to doorways are dark and unwelcoming.
- Floor areas do not comply with room widths
- Too many units face a busy road.
- There are long corridors with no natural light.
- Plant rooms, refuse, substations and loading bays will make the by-pass road less pleasant to walk on.
- The column on the northern end of Main Street is ugly.
- The apartments do not have enough storage space.
- There are not enough own-door units.
- Development creates a parallel street to Main Street, which will damage footfall.
- The pedestrian access spine of the shopping centre has not been connected to this development.
- The build form will have no flexibility.
- The podium level makes pedestrian routes difficult.
- Block 1 needs to be broken down into smaller blocks for massing and pedestrian access.
- Block 2 should be 3 buildings, not 2.
- Block 4B should be omitted.
- The design will block the view of the William Dargan Bridge from Main Street.
- The alternative proposals of the Imagine Dundrum organisation should be given consideration.
- The results of the wind analysis are concerning with regard to pedestrian comfort.
- The content of elements of the Design Statement are out of date and misleading.
- The Site Layout Plan drawing makes little sense without reference to ground levels and topography.
- Block 3C should be replaced by a public open space.
- The proposed development is inconsistent with the content of the Urban Design Manual.

### **Density**

- Excessive density.
- High density development can be provided on a more human scale.
- Density should be lower.

### **Housing**

- The proposed housing mix does not cater for families or older residents
- There is an over-supply of 1-bed units in the area.
- Proposed development will be too expensive for children and grandchildren of local residents to live in.
- Families need houses rather than apartments.
- A varied mix of housing types (houses, duplexes and apartments) is more suitable for the site.
- 'Living Over the Shop' should be adopted.
- BTR schemes create barriers for people to downsize out of larger family homes in the area.
- The proposed development will reduce Dundrum to a dormitory suburb of Dublin, with no social or community provision.
- The residential development is provided without quality of living considered.
- Existing homes in the vicinity of the proposed development will be unsellable.
- Dundrum has had an excessive amount of development proposed, compared to other areas of the county.
- The development will probably be BTR and will result in transient occupancy, with little input into the community.

- There should be some affordable houses along with some pet friendly rental apartments.
- A retirement complex with supporting facilities should be provided to allow people to downsize.
- The mix of units of 1 and 2 bed apartments are more suitable for young transient population. The requirements of young families will not be met by the proposed development. IGEES Research Paper 2019 concludes the preference of families is for 3 or 4 bedroom houses rather than apartments and ownership over renting.
- The units in the Part V application are in a singular block and should be better integrated.
- The cost of the Part V units is extremely high.
- A vulture fund is likely to acquire the development upon construction, resulting in extortionate rental prices.
- The design of the apartments could be more family friendly.

### **Construction**

- Impacts of construction on traffic, air quality and noise will reduce quality of life.
- Construction dust will make health problems of residents worse.
- The construction period is too long.
- Duration of site construction hours is too long.
- Parking issues arising during both the construction and operational phases.
- Accuracy of OCMP questioned.
- The construction process will impact the ability of people to work from home.
- Concern demolition will damage surrounding foundations.
- The proposed hoarding is not high enough.

### **Application process**

- There was no public consultation prior to lodgment.
- The application was timed so that people would be away during the submission period.
- The application was lodged just before the new Development Plan came into place.
- Application fails to consider SLOs for the area.
- This application should be deferred until the new LAP is published.
- Issues raised in ABP's Opinion have been ignored/not answered sufficiently.
- Refusal of small scale development (domestic extensions) not compatible with grants of permission for such large scale development.
- Local fire brigade should have been consulted about the proposed development.
- The lack of consultation by the applicant with the local community is undemocratic.
- The daylight and sunlight impacts are worse than the assessment suggests.
- ABP-307463-20 and ABP-303875-19 were both refused based on architectural sensitivities similar to this site.
- Developments that share boundary walls were not consulted.
- The developer has included part of a neighbouring site in their red line, that they do not own or have consent for.
- There are existing air conditioning units on neighbouring sites that could not work if the development was built.
- Lack of proposed images showing the development from multiple local areas.
- The EIAR is inadequate.
- The EIA screening is inadequate.
- A full EIA should have been conducted.
- The impact on Bats and Birds has not properly assessed.
- The development is not in compliance with BRE Guidelines.
- CGIs fail to show the southward view on Main Street and is generally inaccurate.

### **Environment and Green Energy**

- Carbon footprint of high-rise building is a concern.
- Buildings should be no higher than 8-10 storeys for environmental reasons.

- Solar panels on houses will be useless.
- No solar or wind power has been included
- No waste water collection is proposed.
- Living walls should be included.
- No details of proposed energy provision is given.
- The proposed SHD will deprive the area of natural light, and will increase fuel emissions.
- The proposed development makes no reference to the impact on local wildlife and waterways.
- It would make more sense from a climate and environmental point of view to refurbish as many old buildings on Main Street as is practical from a carbon footprint perspective.
- No measures to collect and reuse rainwater has been proposed.
- Inadequate assessment of microclimate and wind funneling.
- More trees should be planted.
- If local shops are removed, residents will have to drive to them and that will increase pollution.
- There will be an increase in air pollution due to increased traffic associated with the proposed development.
- Noise pollution associated with the construction phase will negatively impact local residents.
- The use of glass and concrete in the proposed structures would increase air temperatures.
- The noise and associated construction activity will have a negative impact on the mental health of existing residents.
- The National Pollinator Plan should be promoted.

### **Flooding**

- The site is on a flood plain and has flooded in the past.
- More green space should be provided to mitigate against further flooding in the area.
- The area flooded as recently as August 2021.
- Flooding now occurs at the old shopping centre site where it didn't before due to previous developments. The proposed development will make the flooding worse

### **Bridge**

- The bridge will lead to antisocial behavior.
- The bridge is unnecessary.
- The proposed connection via Sweetmount Park ignores existing and established desire lines.
- Sweetmount Park and Laurels are not ideal due to topographical issues.
- The presence of a large bridge linking the Laurels and Sweetmount Park, will permanently change the character at those locations.
- A previous temporary bridge there lead to antisocial behaviour.
- The bridge does not provide meaningful permeability.
- Ownership, management and maintenance of the bridge is unclear.

### **Other**

- There are too many developments occurring in the area.
- These apartments will be build-to-rent.
- The apartments will be too expensive.
- There will be no integration between communities.
- The development will negatively impact the wildlife of the area.
- A single developer being in a position to dictate how a full village is developed is wrong.
- The vision for Dundrum should be community led, not developer led.

- A "Build to rent" housing model is not community friendly and is not designed for long term family living.
- Clarity should be provided on the ownership model for the proposed apartments.
- The functioning of the proposed development requires the use of land not within the Applicant's ownership.
- The Daylight and Shadow Impact Assessment is inadequate and misleading.
- The verified view could be considered misleading or inaccurate.
- Are there any plans to mitigate against building works stopping mid development due to external factors (e.g. liquidity issues)
- Concerns about fire and safety in high rise buildings. Example provided of fire in Tallaght that was reliant on equipment based in Tara Street.
- The positive impact of the William Dargan Bridge would be negated by the proposed development.
- Large scale developments of transient people cause social issues.
- Pets are not facilitated.
- An Artistic contribution should be required.
- Developers have neglected the historic buildings and now intent to demolish them.
- There is not enough employment in the area to warrant this many new homes.
- No one will want to visit the area.
- It will separate Dundrum Heights and other areas from the village centre.
- They don't want conditions reducing the height; they want a development designed for smaller scale.
- The development will increase littering in the area.
- Due to the existing walled garden, the integration of the SHD and the church is not possible.
- Is the SHD process the correct basis for this application?
- Controls on phasing should be enforced to ensure completion of development to avoid situation comparable to the unfinished Sentinel building in Sandyford.
- Proposed development will devalue existing properties in the area.
- 79 No. of the apartments would be unsuitable for habitation due to not meeting ADF requirements.

#### **4. ELECTED MEMBERS**

A summary of the views of the relevant elected members as expressed at the Dundrum Area Committee Meeting held remotely on the 3<sup>rd</sup> May 2022 were recorded as follows:

- The application undermines the Development Plan and the ability to attract employment to the area.
- Specific Local Objective requiring the provision of a Civic, Cultural and Community facility has not been adhered to in one of the largest sites in the County.
- Disappointing that there was not a Local Area Plan in place for Dundrum before the application was lodged.
- A motion to re-zone part of the site in the past was not passed.
- The Application does not meet the requirements of the MTZ zoning given that 95% of the is given to residential uses. The proposal undermines the Development Plan and its Core Strategy.
- The extent of residential uses proposed does not correspond with what Chapter 2 and Chapter 7 intend to deliver for MTC sites.
- The proposal ignores SLO 114 as it does not provide a civic hub and a plaza.
- The proposal ignores SLO 8 in relation to the mix of uses and night uses and also it brings no uses active uses onto the bypass.
- The proposal ignores SLO 9 as it does not respect the character of Main Street.
- The subject fails to provide a comprehensive assessment demonstrating that the proposed density and height will not be detrimental for the area.
- If granted the housing mix will have to be changed of foot of the Housing Needs and Demand Assessment by Condition.

- Development of phase 2 lands should be conditional on the upgrade of the LUAS to Metro.
- The applicant almost exclusively for a housing development on MTC lands is detrimental to the Core Strategy and not supported.
- It is not appropriate for the subject development to proceed in the absence of a Local Area Plan.
- The proposed design will be hugely detrimental to main Street.
- It would have been appropriate for a Community Legibility Design Statement to be submitted.
- The redevelopment of the site is welcomed but the particular way the site would be developed is sad.
- Development will have overbearing and overmassing effects over Main Street, turning Main Street into something similar to a tunnel.
- Height on Main Street (5 storeys 1 and a half floor at ground floor level) is contrary to SLO 9.
- Development is out of scale (in particular the 16 storeys element) and will also be detrimental to Main Street.
- Proposed development will be detrimental to the character of the Architectural Conservation Area, particularly the proposed demolitions within the ACA is a Material Contravention.
- Glenville Terrace will be boxed with the proposal and it beneficial effect in the streetscape diminished.
- The mix of uses materially contravenes the MTC zoning.
- MTC zoning requires community, retail, leisure and cultural facilities.
- The non-provision of cultural and community facilities is contrary to the requirements of SLO 114 and MTC zoning.
- Serious concerns arise with regards to the location of the public park behind the church. Other public spaces proposed are transitional spaces.
- Proposed height, massing and density unsuitable for site and will cause issues to existing residential amenity.
- Reason why 'Lisney' an 'Mulevy pharmacy' are not included for demolition is because they are not in the ownership of the applicant
- Raised table on Ballinteer Road near traffic lights will cause issues. The whole traffic management for the area needs to be carefully looked at.
- No east-west permeability is provided through the site.
- Without an Area Based Traffic Assessment (ABTA) is hard to manage traffic issues for the site and the area.
- The subject development is premature pending the preparation of the Local Area Plan and the completion of the ABTA.
- What's currently on site in terms of non-residential is being reduced by 50%.
- 8 year construction period is excessive.
- With regret it should be recommended that permission be refused.
- Giving 5 weeks for local people to review application and make submissions is not fair.
- Public open space is at premium at Dundrum, this is the last site where there is an opportunity to provide good quality public open space.
- Development on this site is welcomed as site is deemed appropriate to take higher densities than those predominant in the area.
- Proposed development contravenes zoning objective.
- Reason for just c.4,500 sq m of non residential uses being proposed is because otherwise the development is not SHD.
- There is no community gain from this development despite a particular SLO requiring that.
- Extensive public consultation was carried out in relation to pre-draft LAP in 2018 with valid points raised that are still relevant.
- Lack of an ABTA and a Local Area Plan are basis for serious concerns.

- Under the new Development Plan there is an Architectural Conservation Area on this site. The character of the ACA needs to be protected.
- The Development Plan and its policies and provisions need to be protected and adhered to.
- The development of this site needs more engagement with local community as none has occurred despite efforts by community stakeholders in that regard.
- Wider community interests should be protected against narrow commercial interests.
- MTC requires more than residential and a small element of commercial to create a sense of place.
- Some elements of the scheme are positive like the provision of 88 social housing units but it has lots of downsides.
- Proposed design is not of sufficient quality resulting in an ugly scheme.
- The 16-storey tower does not have any design quality. It will give rise to negative visual impacts.
- Views from the LUAs looking towards Rosemount will be lost.
- 10 storeys should be the maximum permitted on site.
- Buildings of merit within the Aca are being demolished.
- No leisure facility for the community is a missed opportunity.
- The subject application is a big commercial gamble.
- Certain statements made by the Applicant are misleading. It appears that just 54% and not 60% of the units are dual aspect. Figures given in the application should be correct.
- Communal open space provided precisely matches the minimum standards, however, other reports suggest it is less.
- Everything appears to have been included as open space, although it is not.
- 57 single aspect north facing units are proposed. This materially contravenes the Development plan and the Apartment Guidelines.
- Requirements for visitor cycle parking are not being complied with. If granted, the right amount of cycle parking should be provided.
- The amount of retail and commercial proposed appears to be driven by the SHD process and contravenes the Development Plan.
- Barely 4,000 sq m of community open space is provided.
- No cycle parking is available on phase 1 on busy days.
- 40% of amenity space is provided at roof level, contrary to the Development Plan.
- The proposal violates SLO 6, 9, 10, 11, 114, 123, 128.
- While conscious of housing crisis, permission should be refused in order to protect quality of life of residents and community.
- Views of Dublin mountains will be lost for residents.
- Space between the blocks is fundamental to successfully deliver high rise.
- Cost of Part V units puts the council under strain.
- A development of this scale should have community, recreational and leisure facilities for all ages.
- The proposed development takes from the character of Dundrum Village, any development on this site should be in keeping with the area.
- Proposal is profit-driven overdevelopment.
- Scheme should be sent back to drawing board so better scheme can be delivered.
- Proposal is contrary to Development Plan policy on vitality (section 7.5.2.1) and contrary to policy objective 20.
- Landmark building contrary to character of the area
- Phase 1 provided municipal theatre as a community gain, this proposal does not give anything.
- 15,000 population is the size of a small town and needs commensurate facilities.

## **5. PLANNING HISTORY**

The relevant planning history for the site is as follows:

### Subject Site

- Ref. ABP-311553-21 (DLR Ref. PAC/SHD/146/21) – SHD 'Stage 1 and Stage 2' Consultations for 884 No. apartments, creche and associated site works.
- D08A/0231/E - Refuse extension of duration of permission. On 7<sup>th</sup> April 2015 permission to extend the appropriate period was refused for the following reason.

*"Having regard to Section 42(1)(a)(ii)(II) of the Planning and Development Act, 2000 as amended, it is considered that the permitted development would no longer be consistent with the proper planning and sustainable development of the area, as the Flood Risk Assessment submitted indicates that there would be an increased flood risk to surrounding property and it does not adequately investigate residual flood risks, and, therefore, does not comply with the significant changes in the development plan objectives in the Dun Laoghaire Rathdown County Development Plan, 2010-2016 in relation to the Flood Risk Management (including Sections 14.3 and 16.17)"*

- D08A/0231 - Permission granted by the Planning Authority and An Bord Pleanála (ABP Ref. PL06D.233317) for a revised mixed use town centre scheme from that previously permitted at this location (under Reg. Ref. D03A/0207 (Bord Ref: PL06D.204042) as amended by Reg. Ref: D04A/1456, Reg. Ref.: D06A/0506 and D07A/0261) and which amends and consolidates these previously applications. The site includes demolition and development of properties not previously included within the phase 2 site, namely No.'s 1-3 Glenville Terrace, Spar (4 Glenville Terrace), O'Brien's Sandwich Bar, Mulvey's pharmacy / surgery (No. 14 Main Street), former Mulvey's Hardware/Xtra vision premises and attendant lands. The revised mixed use development for which planning permission is now sought involves demolition of all existing buildings and structures on the site (with the exception of original buildings known as No.'s 1-3 Glenville Terrace) and comprises a total of 106,618.3sq.m gross floor area (gfa) of development which includes the following accommodation housed within a building ranging from 4 to 9 storeys: retail uses (46,480.3sq.m), restaurant uses (2508.5sq.m), crèche (217.6sq.m), leisure uses (1,124.2sq.m), medical centre (118.8sq.m), Hotel (10,614.6sq.m), Library and associated facilities (963.5sq.m), 40no. residential units (3592.7sq.m) comprising 6 no. 1 bed, 28no. 2 bed and 6no. 3 bed units with associated balconies and roof gardens, malls (8,871.9sq.m), and ancillary areas (32,126.2sq.m). In addition, service yards and parking areas totalling 70,344.2sq.m are included in the revised scheme. A brief description of the proposed accommodation within the revised phase development is as follows: - Underground Accommodation is contained at Levels -1 to -4 and accommodates 1,900 car parking spaces on 4 levels, 2no. service yards at levels -4 and level 1, various other accommodation including storage areas, circulation and plant areas; - The Main Centre comprises a retail / commercial centre arranged around 3no. stacked malls with accommodation over levels 1-4 comprising the following accommodation: retail uses totalling 46,480.4sq.m (comprising a Major Department Store on 4 levels with back-of-house space also extending underground into levels -1 to -4, 11no. secondary anchor units (MSUs) and 66no. retail/non retail service units), 9no. restaurant units (2,508.5sq.m), public library (963.5sq.m), crèche (217.6sq.m) and all associated ancillary areas. Level 5 rises locally above roof level of the main centre and accommodates a leisure centre (1,124.2sq.m) and enclosed plant and other ancillary storage and circulation areas with a further enclosed plant area at level 6. The changes primarily involve the insertion of a third mall level (i.e. Level 1 +47.00) made possible as a result of the new underpass access arrangements from Dundrum by-pass and provision of a larger Major Department Store from the scheme previously permitted; - The Main street elevation accommodates 14. no retail/non retail service units (Level 1, 1M & 2), medical centre (118.8sq.m) and



associated circulation / ancillary areas accessed directly from Main Street with 40no. residential apartments above varying from 3 floors to 4 floors with 5th floor level set back (comprising 6 no. 1 bed, 28no. 2 bed and 6no. 3 bed units) with associated balconies and roof gardens / terraces; - A hotel located at the north end of the development extends over 9 storeys and comprises 96no. bedrooms, lobby / reception, bars, restaurants, function room, conference suites and ancillary facilities; - Refurbishment of Glenville Terrace involving interconnection of No.'s 1-3 Glenville terrace and change of use from 3no. separate office and medical related uses to create 1no. restaurant unit (357.1sq.m). As per permitted plans (Reg. Ref: D07A/0261) vehicular access/exit to the proposed development will be from Dundrum by-pass via a proposed underpass connecting to main centre at level -3. A left-in/left-out entrance/exit to the scheme is provided at level 1 from Dundrum by-pass in addition to an entrance to South Service Yard as per previously permitted plans. Linkage to the green car park within phase 1 development is provided under Ballinteer Road bridge as previously permitted. Widening of Dundrum By-pass to provide street cycle lanes, alterations to existing kerb lines to facilitate road realignment and additional turning lanes is also proposed as per previously permitted plans. As per permission granted under Reg. Ref: D07A/0261, the revised phase 2 scheme also includes an improved public park at existing Sweetmount Park connected to the main centre via a pedestrian bridge over Dundrum By-pass and leading to a public right of way through the central plaza linking Sweetmount Park to Main Street (all as per previously permitted scheme with the exception of minor repositioning of pedestrian bridge). As per the permitted scheme a revised urban square known as Church Square will be located to the rear of Holy Cross Church (a protected structure). The revised scheme will result in changes in the gross floor area of the overall phase 2 development from 71,345.8sq.m gfa as previously permitted on the site to 106,618.3sq.m. gfa. The various uses will change as follows: retail uses (+8,624.7sq.m), restaurant uses (+800.1sq.m), crèche (+217.6sq.m), Leisure uses (+1,124.2sq.m), Hotel (+5,959sq.m), Medical centre (-81.4sq.m), Library and associated facilities (+1.5sq.m), mall (+2,848.8sq.m), ancillary areas (+16,205.1 sq.m) and residential use increased from 15no. to 40no. units (+1,856.7sq.m). Parking and service yards reduce in area by 4284.7sq.m. Permission is also sought for revisions/modifications to all elevations, hard and soft landscaping, bicycle parking (provision for 422 internal and 89 external spaces), signage and all associated site and development works. An Environmental Impact Statement (EIS) was submitted to the planning authority with this application.

- D07A/0261: Permission granted for amendments to previously approved planning permission (Reg. Ref. D03A/0207) as modified by An Bord Pleanála PL. 06D. 204042 and planning permission (Reg. Ref. D04A/1456) and application (Reg. Ref. D06A/0506) for a mixed-use town centre development at main location. The amendments to the above noted existing permissions and application now being applied for consist of the following:- The removal of vehicle access to carpark from Dundrum Main Street and replacement with retail unit with floor area of 128sqm. Alterations to levels and re-design of Sweetmount Park. The upgrade works to consist of regrading of slopes to achieve a more level, usable space. The construction of stone-clad retaining walls at Level -1 along the west side of Dundrum By-pass to facilitate the upgrading of Sweetmount Park. The excavation and construction of entrance and exit slip-lanes and underpass alongside and under existing Dundrum By-pass at levels -4 and -3 and introduction of internal roundabouts and associated alterations to carpark. the relocation of the service yard from Level -3 to -1 and the provision of entrance and exit to this service yard from Dundrum By-pass and associated alterations to carpark. The introduction of void over relocated service yard. The diversion of existing 675mm foul water sewer and 300mm surface water sewer and the relocation of the Slang stream. The widening of the existing Dundrum By-pass to provide on-street cycle lanes,

alterations to existing kerb lines to allow merge and diverge to and from the proposed underpass and the construction of a second through lane for the merge to Taney Cross. Alterations to plant and storage areas, alterations to carpark and introduction of fire-escape stairs and external access stairs at level -2. Alterations to external steps along Dundrum By-pass and modification of pedestrian bridge link between Sweetmount Park and the Town Centre Development.

- D06A/0506 – Permission granted for amendments to existing planning permission (Reg. Ref. D03A/0207) as modified by An Bord Pleanála PL.06D.204042 and by subsequent Planning Permission (Reg. Ref. D04A/1456) for a mixed use town centre development on the site bounded by Dundrum Main Street, Ballinteer Road, Dundrum Relief Road (By-pass) and extension of Main Street to connect to Dundrum Relief Road, Dundrum. The amendments to the existing permission now being applied for consist of the following:- reduction in size of currently permitted 1 storey office building located at roof level and relocation northwards within the site boundary. The relocation of the currently permitted Hotel bedroom block from the current location on levels 1, 2 and 3 to levels 4, 5 and 6 above roof levels, located between gridlines 9 and 17, now to consist of a two and a half storey bedroom block where the no. of bedrooms is reduced from 105 to 97. The re-introduction of the previously permitted 2 storey Anchor Store in place of the current permitted Convenience Store and some of the adjoining MSU units; located at levels -1 and 1, between gridlines 1 and 14. Revisions to elevations of the currently permitted multi-level Rotunda element consisting of provision of lightweight fully glazed facade and roof with internal revisions consisting of infill of the void area and change of use of internal pedestrian street to accommodate additional Anchor store and MSU retail use, on levels 1, 2 and 3. The increase in number and size of retail units, located on both east and west sides of the internal pedestrian streets on levels 1, 2 and 3. The introduction of 4 additional large duplex apartments entered from and addressing Main Street, between gridlines 9 and 13. Reduction in the area of currently permitted restaurant/leisure space at level 3, between gridlines 19 and 20. The reorganisation and expansion of the currently permitted underground carparking areas on levels - 2 and - 3. Change of use of currently permitted Hotel function rooms and kitchens at levels - 4 and - 5 to storage, plantroom and carparking. The introduction of additional roof gardens for the benefit of both the relocated Hotel and the 4 additional apartments. Revisions to the design of the elevations to Main Street, extension of Main Street at Waldemar Terrace and Dundrum Relief Road resulting from the nature and extent of the proposed amendments outlined above. The effect of the above proposed amendments is as follows: A decrease of 359.8 sq.m of Office Use. A decrease of 3,598.3 sq.m of Hotel use. A decrease of 1,712.4 sq.m of Convenience Store. A decrease of 1,870.8 sq.m of MSU retail space. An increase of 9,484.4 sq.m of Anchor Store retail use. An increase of 1,314.5 sq.m of retail Unit use. A decrease of 1,608 sq.m of internal pedestrian street and or Rotunda space. An increase of 742.7 sq.m of apartment / residential use. A decrease of 161.2 sq.m of leisure /restaurant use. An increase of 243 car parking spaces. An increase of 2,668.3 sq.m of ancillary/services use. A decrease of 198.9 sq.m of services yard area.
- D04A/1456 Permission granted for amendments to the existing planning permission (Reg.Ref. D03A/0207) and An Bord Pleanála Ref. PL.06D.204042 for mixed use town centre development of the 1.98-hectare (4.89 acre) site bounded by Dundrum Main Street, Ballinteer Road, Dundrum Relief Road and extension of Main Street to meet Dundrum Relief Road, Dublin 16. The development consists of :- Amendments to the existing Planning Permission (Reg.Ref. D03A/0207) as modified by An Bord Pleanála PL.06D.204042 for a mixed use town centre development as follows:- The relocation of the permitted Public Library building off Church Square, to be integrated into the retail building which addresses Church Square to comply with condition No. 5 of An Bord Pleanála decision Ref.

PL.06D.204042 and the consequent redesign of Church Square including the re-setting of paving levels. Internal reorganisation of the retail buildings to increase the size of the permitted Department Store located at the southern end of the internal pedestrian street and addressing Church Square and extend the Store to connect to Main Street. This will involve the demolition of an existing 2 storey over part basement building and 2 No. single storey shop buildings known as No. 15 Main Street. To provide an additional underground service yard and relocation of the main vehicle entrance off and onto the Dundrum Relief Road. The formation of additional internal pedestrian street to connect the central atrium space to the rotunda space at the north end and the consequent sub-division of the permitted Anchor Stores into smaller Retail units, on 3 levels. The introduction of an additional level of gallery around the central atrium to provide additional restaurant and leisure space. The provision of additional roof gardens for the benefit of both the permitted Hotel and the 7 apartments located between gridlines 5 and 10 Main Street. The effect of the above proposed amendments is as follows:- an increase in total retail space of 254.6 sq.m. an increase in restaurant leisure space of 1,033.9 sq.m. an increase in internal pedestrian street of 4,130.67 sq.m. an increase of 122.5 sq.m. of public library an increase of 28.93 sq.m. of car park an increase of 4,014.37 sq.m. of ancillary areas, an increase of 448.5 sq.m. of service yards set against:- a decrease of 156.1 sq.m. of service units, a decrease of 1,065.36 sq.m. of Hotel use a decrease of 122.2 sq.m. of Office use and a decrease of 7 sq.m. in area ancillary to Holy Cross Church. A decrease of 10 car-parking spaces. The increase in floor area is accommodated within the envelope of the permitted buildings with the exception of the 2-storey extension of the Department Store connection to Main Street, the removal of the Public Library building from Church Square and the redesigning of the car parks, service yards and minor alterations to elevations. The relocation of the main vehicle entrance off and onto the Dundrum Relief Road is also proposed. The application site adjoins Holy Cross Church which is a protected Structure

- D03A/0207 – Permission granted by the Planning Authority and An Bord Pleanála (Ref. PL06D.204042) for a mixed-use town centre development comprising the demolition of the existing 2 and in part 3 storey shopping centre including laundrette building fronting on the main street, known as the Dundrum Shopping Centre; the construction of retail shopping (30,263 m2 gross retail floor area) comprised of 3 no. Department/Anchor stores (16,721 m2 gross retail floor area); 1 no. convenience food store (1,802m2) and 76 no. retail units (11,740 m2 gross retail floor area); restaurant and / or leisure units including family entertainment centres, cafe bars, cyber cafes, theme restaurants (1,486 m2) Class 2 Services uses (413 m2); management suite, public toilets and ancillary areas including plant rooms (5,709 m2); pedestrian malls and glazed over plaza area (3,686 m2) ; offices (2,883 m2 gross floor area); a 105 bedroom Hotel including bars, restaurant, function rooms, conference suites and ancillary facilities (9,319 M2) a public library and temporary exhibition building and additional community rooms (1,265 m2); 5 no. 2-bedroom duplex apartments and 1 no. 1 - bedroom duplex apartment (421 m2); 2 enclosed service station yards (5,648 m2) and underground car parking areas providing 1,550 spaces (56,412 m2); the formation of new public pedestrian streets and open spaces to the rear of Glenville Terrace Holy Cross Church overlooking the Dundrum Relief Road and new Sweetmount public park; the construction of a public pedestrian bridge over the Relief Road to connect to this development at the glazed - over public plaza. The total gross floor area of retail and non-retail uses excluding service areas and car parks is 55,445 m2 and ranges from 3 storeys along Dundrum Main Street for 5 storeys along the Dundrum Relief Road. The application site adjoins Holy Cross Church which is a protected structure. An Environmental Impact Statement accompanied this application

### Other significant residential permissions in the vicinity

#### Mount St Mary's and Saint Joseph's, Dundrum Road

- Ref. ABP- 310138-21 - Permission granted for a strategic housing development comprising the demolition of existing buildings on site and part of the granite wall along Dundrum Road, excluding Small Hall, construction of 231 no. apartments, childcare facility and associated site works. Condition No. 3 states that:

*'This grant of planning permission permits 191 number apartment units.  
Reason: In the interest of clarity'*

#### Frankfort Castle

- Ref. ABP311287-21 - Permission granted for a strategic housing development consisting of the: demolition of No. 97A Highfield Park and annexed structures associated with Frankfort Castle including Frankfort Lodge, the construction of a residential scheme comprising 115 no. units (45 no. one bedroom apartments and 70 no. two bedroom apartments) arranged in 3 no. blocks (Block A – a 4 storey block over 2 no. basement levels comprising 35 no. units, Block B – a 4/5 storey block comprising 54 no. units and Block C – a 3 storey block comprising 22 no. units) and within the refurbished 2 storey No. 2 Frankfort Castle (Block D-comprising 4 no. units). Vehicular access will be provided via a new access at Old Frankfort with emergency vehicle access only provided via the existing Frankfort Court access. The development will also consist of the provision of: ancillary residential amenity areas within Block D, a crèche measuring c.80sqm at ground floor level of Block A including associated external play space, cycle parking at surface and ground floor level including sheltered and secure parking, car parking at surface and 2 no. basement levels, electric vehicle charging points, attenuation storage system, waste storage facilities, 2 no. substations, ancillary service and plant areas, hard and soft landscaping, boundary treatments, upgrades to road and pedestrian infrastructure along Old Frankfort and all other site development and drainage works above and below ground.

#### Marmalade Lane SHD, Wyckham Avenue, Dundrum

Ref. ABP-312170-21 - Permission granted for a strategic housing development consisting of 531 no. Build to Rent apartments, creche and associated site works.

#### Green Acres Convent

- Ref. ABP-307683-20 – Permission granted for the provision of 54 no. additional apartments on previously permitted development of 253 no. apartments under ABP-304469-19, increase in childcare facility and associated site works.

#### Walled Garden

- Ref. ABP304590-19 – Permission granted for 116 No. apartments and associated site works.

#### Frankfort Centre, Dundrum Road, Dublin 14

- Ref. D22A/0255 – Live Application for a residential development. The proposed development will provide for (a) the demolition of the existing two-storey retail and office dwelling (1,170 sqm) with 27 existing car spaces and surface site curtilage, (b) the construction of 64 no. apartment units in the form of a 5-6 storey apartment blocks (5,525 sqm) over basement (1,135 sqm), (c) the provision of a ground floor retail/café unit (105 sqm) fronting Dundrum Road, and (d) Public Realm upgrades to Dundrum Road. The development shall provide for 32no. 1 bed apartment units and 32 no. 2 bed apartment units all with balconies facing North, South, East and West. Communal open space is provided in the form of a centrally located landscaped courtyard (499 sqm) that includes 85 sqm of play area for children and

a woodland riverbank of 570 sqm. A south facing communal roof terrace (45 sqm) is located at fifth-floor level. The development will also comprise repositioning and upgrade to the vehicular access from the Dundrum Road to Frankfort Road and the provision of a loading bay at Frankfort Road. The proposed development shall also provide for 33 no. car parking spaces at basement level with 62 sqm of Plant, 31 sqm of Bin storage, ESB, Switch Room and 84 no. secure Sheffield bicycle spaces, (71 no. interior residential spaces, 3no. interior visitor spaces & 10no. exterior visitor spaces), accessed from Frankfort Road at Ground Level; sedum roofs; solar photovoltaic panels; lighting; boundary treatments; public space; hard and soft landscaping including tidy of river corridor planting; and all other associated site works above and below ground associated with the proposed development. A decision from the Planning Authority on this application is due on 7<sup>th</sup> June 2022.

Sommerville SHD, Dundrum Road, D14

- Ref. ABP-312935-22 - Live strategic housing development application for demolition of all structures, construction of 111 no. apartments and associated site works.

Lands at the Central Mental Hospital, Dundrum Road, Dundrum, (Dundrum Central SHD)

- Ref. ABP-313176-22 - Live strategic housing development application for demolition of existing structures, 10 year permission for the construction of 977 no. residential units (20 no. houses, 957 no. apartments), creche and associated site works

## **6. SITE LOCATION AND DESCRIPTION**

The subject site comprises the grounds of the Old Dundrum Shopping Centre and a number of properties on Main Street.

The site is located on the Dundrum Town Centre and is principally bounded by Main Street to the north and east; The Holly Cross Church (Protected Structure) and the Parochial House (Proposed Protected Structure) to the south east; Ballinteer Road to the south; and the Dundrum Bypass to the west.

The site contains a variation of ground levels. In general, the site rises from north to south and west to east with a site level change of up to approximately 8m. Sweetmount Park to the west of the by-pass is approximately 8m higher than existing ground level along the Bypass.

There are currently 3 No. vehicular accesses to the site , 2 No located on Main Street, to the north and south east (immediately north of the Holy Cross Parochial House); and one off the Bypass to the west.

The northern end of Dundrum Town Centre (Phase 1) is located approximately 15m to the south of the site on the opposite side of Ballinteer Bridge. The Dundrum Luas station and a number of bus stops are located approximately 60m to the north and east of the site. The Balally Luas station is located approximately 1km to the southeast of the site.

## **7.0 POLICY CONTEXT**

### **7.1 Project Ireland 2040 - National Planning Framework**

The National Planning Framework (NPF) is a high-level national strategic plan shaping the future growth and development of Ireland to 2040. Table 4.1 of the framework sets growth targets, proposing a 20-25% growth in population to 2040 for Dublin City and Suburbs. In achieving this, it places a great emphasis on compact growth requiring a concentration of development within the existing built-up area, including increased densities and higher

building format than hitherto provided for. The NPF includes 75 no. National Policy Objectives (NPO). The following objectives are of note:

- *NPO2a: A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.*
- *NPO3a: Deliver at least 40% of all new homes nationally within the built-up envelope of existing urban settlements.*
- *NPO 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints*
- *NPO4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.*
- *NPO 6; Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.*
- *NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.*
- *NPO13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.*
- *NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.*
- *NPO 28; Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.*
- *NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.*
- *NPO 35: Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.*
- *NPO 57; Enhance water quality and resource management by:*
  - *Ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities;*
  - *Ensuring that River Basin Management Plan objectives are fully considered throughout the physical planning process;*
  - *Integrating sustainable water management solutions, such as Sustainable Urban Drainage (SUDS), non-porous surfacing and green roofs, to create safe places.*

## **7.2 Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019**

The Regional Spatial and Economic Strategy for the Eastern and Midlands Region includes the Dublin Metropolitan Area Strategic Plan (MASP), which is an integrated land use and transportation strategy for the Dublin Metropolitan Area, which seeks to manage the sustainable and compact growth of the Dublin Metropolitan Area. The following Regional Policy Objectives (RPO) are noted in particular:

- *RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.*
- *RPO 4.3: 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.*
- *RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.*
- *RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines and 'Urban Development and Building Heights Guidelines for Planning Authorities.*
- *RPO 5.5: Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.*

The following growth enablers are defined in Chapter 4.3

- *Align Population, Employment and Housing Growth – Divergence between the places people live and work leads to long-distance commuting and congestion, which is having a negative impact on quality of life. To address this, promote sustainable growth in the right locations and 'catch up' investment and consolidation in local services, amenities and employment in areas that have experienced large scale commuter driven housing development.*
- *Compact Sustainable Growth – Promote compact, sequential and sustainable development of urban areas from large to small to realise targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs, and a target of at least 30% for other urban areas. Support co-ordination across local authorities and agencies to promote active land management and better use of under-utilised, brownfield and public lands.*
- *Healthy Placemaking - To realise sustained economic growth and employment including the integration of better urban design, public realm, amenities and heritage to create attractive places to live, work, visit and invest in. Focus on placemaking to create attractive and sustainable communities to support active lifestyles including walking and cycling.*

Table 6.1 sets out the Retail Hierarchy for the region with the Dundrum Town Centre located on Level 2 only below the Dublin City Centre.

Section 6.5 details the Framework for Town Centre Renewal:



*'The concepts of vitality and viability are central to maintaining and enhancing town centres. Keeping a town vibrant and responsive to the needs of the community is an ongoing challenge and a greater range of supports need to be put in place to enable successful town centre renewal. These supports could include administrative supports by local authorities, training supports for town centre coordinators or other town stakeholders and financial supports such as grants for office fit outs, shop front grants, or supports for starting businesses and the Town and Village Renewal scheme and urban and rural regeneration funding.'*

- Regional Policy Objective 6.12 (RPO 6.12) - *Local authorities shall include objectives in development plans and local area plans supporting emphasis on placemaking for town centres, for example through inclusion of a Placemaking Strategy for towns and implementation of Town Centre Renewal Plans.*

### **7.3 Section 28 Ministerial Guidelines**

The following ministerial guidelines are also considered relevant:

- 'Guidelines on Urban Development and Building Heights for Planning Authorities', 2018.
- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', 2020
- 'Design Manual for Urban Roads and Streets', 2013. (as updated)
- 'The Planning System and Flood Risk Management Guidelines (including the associated 'Technical Appendices'),' 2009.
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual', 2009.
- 'Childcare Facilities - Guidelines for Planning Authorities', 2001.
- Regulation of Commercial Institutional Investment in Housing. Guidelines for Planning Authorities (May 2021).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- Part V of the Planning and Development Act 2000; Guidelines under Section 28 (DHPCLG: 2017).
- Retail Strategy for the Greater Dublin Area 2008-2016.

### **7.4 Other Relevant Plans and Guidelines**

- Bus Connects Project (NTA).
- Greater Dublin Area Cycle Network Plan (NTA: 2013).

### **7.5 Dún Laoghaire Rathdown County Development Plan 2022-2028**

As per Map 1 of the County Development Plan, the subject site is subject to the zoning Objective 'MTC': 'To protect, provide for and-or improve major town centre facilities.'

The surrounding area to east and south is also predominantly zoned Objective 'MTC'.

The wider area is predominantly zoned 'A': 'To provide residential development and improve residential amenity while protecting the existing residential amenities' with associated public open spaces under the 'F' zoning objective: 'to preserve and provide for open space with ancillary active recreational amenities'.

There are 7 No. Specific Local Objective on the subject lands:

- SLO 6: *'To complete a Local Area Plan for Dundrum.'*
- SLO 8: *'To ensure Dundrum develops beyond just a retail shopping destination. Any future redevelopment of the old shopping centre lands shall provide for residential use and a range of complementary non-retail uses including - but not limited to - employment, restaurant, leisure, entertainment, creche facilities, remote working hubs, cultural, community and civic uses – to supplement that already provided for within the wider Dundrum Town Centre.'*
- SLO 9: *'To ensure that any future redevelopment of the old shopping centre lands, and adjoining /nearby properties on Main Street, take cognisance of the character and streetscape of the Old Main Street, and maintain where appropriate, and possible existing buildings and/or facades. Building Heights alongside Main Street must be sensitive to the original streetscape, in keeping with its character, scale and Architectural Conservation Area status.'*
- SLO 11: *'To support the recommendations of the Dundrum Community, Cultural and Civic Action Plan.'*
- SLO 114: *'To ensure any future redevelopment of the Old Shopping Centre site addresses the need for the provision of a future Dundrum Community, Cultural and Civic Centre facility, which also integrates into a civic square/plaza area'*
- SLO 123: *'To ensure that, as Strategic Regeneration Sites, residential provision on the Central Mental Hospital Site and the Old Shopping Centre site will provide for a balanced mix of housing tenure, including affordable homes, and an acceptable mix of larger flexible units, and lifetime adaptable homes to ensure balanced, sustainable communities in Dundrum.'*
- SLO 124: *'Permeability through all developments on the west side of Main Street should ensure pedestrian/cycle links between Main Street and the Dundrum Bypass.'*

The Dundrum Architectural Conservation Area includes a number of properties located within the site's boundary, namely: the building north of Glenville Terrace (former Joe Daly Cycles); Nos. 1-4 Glenville Terrace; and Nos. 13 and 13A Main Street. Other properties within the Dundrum ACA are located opposite the subject site to the east, across Main Street.

Two Protected Structures adjoin the site boundary to the south east, the Holy Cross Church (RPS No. 1129) and the Parochial House (RPS No. 2095).

Relevant County Development Plan policies and standards are listed below.

#### *Chapter 2: Core Strategy*

##### *Section 2.3.6 Housing Target for the Core Strategy*

##### *Section 2.4.8.3 Employment Land and Land Use Zoning*

##### *Policy Objective CS7 – Strategic Employment Locations*

##### *Policy Objective CS11 – Compact Growth*

##### *Policy Objective CS13 – Strategic Regeneration*

#### *Chapter 3: Climate Action*

##### *Section 3.4 Achieving Sustainable Planning Outcomes*

##### *Policy Objective CA5 - Energy Performance in Buildings*

##### *Policy Objective CA7 – Construction Materials*

*Policy Objective CA8 – Sustainability in adaptable Design*  
*Section 3.4.3 Decarbonising Motorised transport*  
*Policy Objective CA18 Urban Greening*

#### *Chapter 4: Neighbourhood – People, Homes and Place*

##### *Overarching Policy Objective PHP1*

##### *Section 4.2.1 Sustainable Communities and Neighbourhood Infrastructure*

*Policy Objective PHP3 – Planning for Sustainable Communities*

*Policy Objective PHP4 – Villages and Neighbourhoods*

*Policy Objective PHP5 – Community Facilities*

*Policy Objective PHP6: Childcare Facilities*

##### *Section 4.3 Homes*

##### *4.3.1 Delivering and Improving Homes*

*Policy objective PHP18 – Residential Density*

*Policy Objective PHP20 – Protection of Existing Residential Amenity*

*Policy Objective PHP21 – Development on Institutional Lands*

*Policy Objective PHP25 – 'Housing for All – A new Housing Plan for Ireland, 2022'*

*Policy Objective PHP26 – Implementation of the Housing Strategy*

*Policy Objective PHP27 – Housing Mix*

*Policy Objective PHP30 – Housing for all*

##### *Section 4.4 Place*

*Policy Objective PHP35 – Healthy Placemaking*

*Policy Objective PHP36 – Inclusive Design & Universal Access*

*Policy Objective PHP37 – Public Realm Design*

*Policy Objective PHP42 – Building Design & Height*

*Policy Objective PHP44 – Design Statements*

#### *Chapter 5: Transport and Mobility*

##### *Section 5.4 Integrated Land use and Transport*

*Policy Objective T1 - Integration of Land Use and Transport Policies*

##### *Section 5.5 Promoting Modal Change*

*Policy Objective T4: Development of Sustainable Travel and Transport.*

##### *Section 5.6 Promoting Active Travel: Cycling and Walking*

*Policy Objective T11: Walking and Cycling*

##### *Section 5.7 Demand Management and Travel Planning*

*Policy Objective T17: Travel Plans*

*Policy Objective T18: Car Sharing Schemes*

*Policy Objective T19: Carparking Standards*

*Policy Objective T23: Roads and Streets*

*Policy Objective T26: Traffic and Transport Assessments and Road Safety Audits*

*Policy Objective T27: Traffic Noise*

*Policy Objective T28: Road Safety*

*Policy Objective T30: Street Lighting*

#### *Chapter 6: Enterprise and Employment*

*Policy Objective E10: Office Development*

*Policy Objective E14: Commercial Leisure*

#### *Chapter 7 Towns, Villages and Retail Development*

##### *Section 7.2.2 Recent Trends Towards Multifunctional Centres*

*Policy Objective MFC1: Multifunctional Centres*

*Policy Objective MFC2: Accessible and Inclusive Multifunctional Centres*

*Policy Objective MFC3: Placemaking in our Towns and Villages*

*Policy Objective RET4: Retail Hierarchy*

*Policy Objective RET5: Major Town Centres*

##### *Section 7.5.2 Major Town Centres*

*Policy Objective RET11: Active Street Frontages Non-Retail Uses*

## *Chapter 8: Green Infrastructure and biodiversity*

*Policy Objective GIB18 - Protection of Natural Heritage and the Environment*

*Policy Objective GIB19 – Habitats Directive*

*Policy Objective GIB22 - Non-Designated Areas of Biodiversity Importance*

*Policy Objective GIB25 – Hedgerows*

*Policy Objective GIB28 – Invasive Species*

*Policy Objective GIB29 – Nature Based Solutions*

*Policy Objective EI22 – Flood Risk Management*

## *Chapter 9: Open Space, Parks and recreation*

*Policy Objective OSR4: Public Open Space Standards*

## *Chapter 10 Environmental Infrastructure and Flood risk*

*Policy Objective EI9 -Drainage Impact Assessment*

*Policy Objective EI11 – Resource Management*

*Policy Objective EI12 – Waste Management Infrastructure, Prevention, Reduction, Reuse and Recycling (Circular Economy approach)*

*Policy Objective EI14 – Air and Noise Pollution*

*Policy Objective EI22 – Flood Risk Management*

## *Chapter 11 Heritage and Conservation*

*Policy Objective HER2 - Protection of Archaeological Material in Situ*

*Policy Objective HER8 – Work to Protected Structures*

*Policy Objective HER20 – Buildings of Vernacular and Heritage Interest*

*Policy Objective HER21 – Nineteenth and Twentieth Century Buildings, Estates and Features*

*Policy Objective HER22 - Protection of Historic Street Furniture and Public Realm*

*Policy Objective HER13 – Architectural Conservation Areas*

*Policy Objective HER14 - Demolition within an ACA*

*Policy Objective HER15 – Shopfronts within an ACA*

## *Chapter 12 Development Management*

*12.1.1.2 Design Statements*

*12.1.1.3 Landscape Plans*

*12.1.2 Impacts on the Environment*

*12.2 Climate Action*

*12.2.6 Urban Greening*

*12.3 Neighbourhood - People, Homes and Place*

*12.3.1 Quality Design*

*12.3.1.1 Design Criteria*

*12.3.2.4 Childcare Facilities*

*12.3.3 Quantitative Standards for All Residential Development*

*12.3.3.1 Residential Size and Mix*

*12.3.3.2 Residential Density*

*12.3.4 Residential Development – General Requirements*

*12.3.4.1 Road and Footpath Requirements*

*12.3.4.2 Habitable Rooms*

*12.3.4.4 Phased Development*

*12.3.4.5 Management Companies and Taking in Charge*

*12.3.4.7 Refuse Storage and Service*

*12.3.5 Apartment Development*

*12.3.5.1 Dual Aspect in Apartments*

*12.3.5.2 Separation Between Blocks*

*12.3.5.3 Internal Storage and External Storage*

*12.3.5.5 Minimum Apartment Floor Areas*

*12.3.5.6 Additional Apartment Design Requirements*

- 12.3.7.11 Institutional Lands
- 12.4.2 Traffic and Transport Assessment
- 12.4.3 Travel Plans
- 12.4.4 Street Lighting
- 12.4.5 Car Parking Standards
  - 12.4.5.1 Parking Zones
  - 12.4.5.2 Application of Standards
  - 12.4.5.3 Car Parking –General
  - 12.4.5.6 Residential Parking
- 12.4.6 Cycle Parking
  - 12.4.6.1 Requirements for New Development
  - 12.4.6.2 Cycle Parking Assessment Criteria
- 12.4.7 Motorcycle Parking
- 12.4.11 Electrically Operated Vehicles
- 12.8 Open Space and Recreation
  - 12.8.1 Landscape Design Rationale
  - 12.8.2 Open Space Categories for Residential Development
  - 12.8.3 Open Space Quantity for Residential Development
    - 12.8.3.1 Public Open Space
    - 12.8.3.2 Communal Open Space
    - 12.8.3.3 Private Open Space
  - 12.8.5 Public Open Space – Quality
    - 12.8.5.1 Design
    - 12.8.5.3 Communal Open Space – Quality
    - 12.8.5.4 Roof Gardens
  - 12.8.6 Biodiversity and SuDS in both Public and Communal Open Space
  - 12.8.7 Private Amenity Space – Quality Standards
    - 12.8.7.2 Boundaries
  - 12.8.8 Financial Contributions in Lieu of Open Space
  - 12.8.9 Play Facilities for Apartments and Residential Developments
  - 12.8.11 Existing Trees and Hedgerows
- 12.9 Environmental Infrastructure
  - 12.9.2 Noise Pollution and Noise Nuisance
  - 12.9.4 Construction Management Plans
  - 12.9.5 Hours of Construction
  - 12.9.6 New Development/Change of Use - Environmental Impacts
  - 12.9.8 Telecommunications
  - 12.9.10 Public lighting
- 12.10.1 Flood Risk Management
- 12.11.2.3 Development within the Grounds of a Protected Structure

## *Chapter 13 Land Use Zoning Objectives*

- Appendix 2: Housing Strategy and HNDA
- Appendix 3: Development Management Thresholds
- Appendix 4: Heritage Lists
- Appendix 5: Building Heights Strategy
- Appendix 7: Sustainable Drainage System Measures

## **7.6 Dundrum Local Area Plan (proposed)**

The preparation of the Dundrum Local Area Plan is currently underway. Following the adoption of the county Development Plan 2022-2028 the Dundrum LAP is a priority with the work programme of the Planning Authority. An issues paper was issued in November 2018 however it did not progress to a draft LAP at that time.

Subsequent to the adoption of the County Development Plan 2022-2028, the Forward Planning team has recommenced work on the Dundrum LAP and an updated timeframe for the publication of the Draft plan is currently being considered. Various elements of work required such as the SFRA, the ongoing ABTA and the SEA and AA process will factor into the time frame. The aim is for the fourth quarter of 2022.

## **7.7 Other Relevant Guidance**

'Standards for Cycle Parking and associated Cycling Facilities for New Developments' (Dún Laoghaire-Rathdown County Council Municipal Services: 2018). As referenced in Section 12.4.6 of the County Development Plan 2022-2028.

## **7.7 Hierarchy of Plans/Policy**

Section 34 of the Act states where a specific planning policy requirement (SPPR) of Section 28 Planning Guidelines differ from the provisions of the development plan, then those requirements shall, to the extent that they differ, apply instead of the provisions of the development plan. Notwithstanding, it is noted that the new County Development Plan 2022-2028 approved by the Members on 10<sup>th</sup> March 2022 and in force since 21<sup>st</sup> April 2022 is in accordance with the s.28 Guidelines issued by the Minister up to date, as reflected in the statement of compliance included in Appendix 13 of the Development Plan.

However, for completeness, it is noted that a draft Ministerial Direction was issued on 12<sup>th</sup> April 2022, whereby the Planning Authority was directed to take the following steps:

- a) *Delete the following provisions from the adopted Development Plan:*
  - (i) *the O/O zone objective, including symbol and boundary of objective area from maps 3, 4, 7 and 10;*
  - (ii) *the text 'No increase in the number of buildings permissible' and associated symbols from maps 1-14;*
  - (iii) *the policy section on 'Notable Character Area Exclusions' under section 4.3.1; and*
  - (iv) *policy section 12.3.8.8 O/O Zone.*
- b) *Delete the following text after the first paragraph of section 12.3.3 Quantitative Standards for All Residential Development from the adopted Development Plan:*  
*"That the requirement for certain percentages of 3-bed units in apartments shall apply to Build To Rent developments to accord with mix on page 233".*

Save for the issues noted above as raised by the Minister, the Dun Laoghaire Rathdown Development Plan 2022-2028 is in accordance with National (primarily in the form of the National Planning Framework and the S.28 Guidelines) and Regional (the Regional Spatial and Economic Strategy by the Eastern and Midlands Regional Assembly) policy as demonstrated in Appendix 13.

## **8.0 PLANNING ASSESSMENT**

### **8.1 PRINCIPLE OF DEVELOPMENT**

#### Permissibility of proposed uses in zoning

As previously noted, the subject site is zoned Objective 'MTC', 'to protect, provide for and/or improve major town centre facilities'.

In general terms the current use of the lands and in particular, the old shopping centre, is not considered to make the most efficient use of the lands, which are deemed to be a

landholding of significant size at a key location with excellent access to high-quality public transport. From that perspective the redevelopment of the subject site is welcomed.

As per Table 13.1.11 of the County Development Plan, residential use is permitted in principle on Objective 'MTC' zoned lands. Other uses proposed include: creche; retail (including a foodstore); and café/restaurant. According to Table 13.1.11, 'Childcare Service'; 'Shop-Neighbourhood'; 'Shop – District'; 'Tea Room/Café' and 'Restaurant' are also permitted in principle uses.

It is noted that the Statutory Notices state that 3 No. retail/commercial units are proposed on Zone 4. For clarity, given that the term commercial is very broad and all encompassing the Planning Authority considers, having regard to the area of those 3 No. units combined (365.1 sq m), that the Applicant is seeking permission for 3 No. 'Shop-Neighbourhood' units as per the Use Classes set out in Section 13.2 of the Development Plan 2022-2028. As a general principle, while a broad ranges of uses would be permissible under the MTC zoning, it would be expected that more clarity would be presented on the type of use proposed in order that any resulting permission would be enforceable.

With regards to the provision of housing, it is deemed pertinent to note the requirements of Overarching Policy Objective PHP1:

*'That increased delivery of housing throughout the County will be subject to the Strategic Policy Objective to:*

- Align with the provisions of the National Planning Framework and the Eastern and Midlands Regional Spatial and Economic Strategy.*
- Accord with the Core Strategy set out in Chapter 2, the Housing Strategy and Housing Needs Demand Assessment for the County in Appendix 2 and/or the provisions of the future Regional Housing Need Demand Assessment.*
- Embed the concept of neighbourhood and community into the spatial planning of the County by supporting and creating neighbourhoods and ensuring that residential development is delivered in tandem with the appropriate commensurate enabling infrastructure, including access to sustainable neighbourhood infrastructure, sustainable modes of transport, quality open space and recreation, and employment opportunities.'*

No issues arise with the uses proposed 'per se', as they are all 'permitted in principle on MTC zoning. The Applicant appears to rely on that fact in particular to state that the principle of development is acceptable. The Planning Authority is, however, of the opinion that the acceptability of the principle of any given development needs to be established not only on the basis of a matrix of uses. The Dun Laoghaire Rathdown County Development Plan 2022-2028 expresses the specific objective for each of the land uses. In particular for the MTC zoning the primary objective is: 'To protect, provide for and/or improve major town centre facilities' (Table 13.1.1 of the Development Plan). 'Permitted in principle' and 'open for consideration' uses for MTC are, as noted before, set out in Table 13.1.11. This matter is considered further in the following section.

#### Dundrum Major Town Centre

The site, of 3.53 ha is approximately 20% of the overall MTC zoned lands in Dundrum (estimated to be approximately 18ha) and as such its contribution to achieving the overall zoning objective is substantial. Or, to put it in a different way, if the site were to fail to perform satisfactorily that could have very serious repercussions for the Dundrum Major Town Centre.

The provision of a substantial residential development in the Major Town Centre is welcomed as it is considered to make a positive contribution towards the creation of an adequate mix of uses, particularly in the current context where residential uses are limited



within the MTC zoned lands. In relation to that particular aspect, regard is had to the information provided by the applicant whereby the proposed residential component would increase the number of residential units in the overall Major Town Centre lands from 47 No. (154 No. including the 107 apartments permitted under ABP-305261-19) to 1,035 No. units. Therefore, as already stated, the Planning Authority is satisfied that the proposal would deliver a significant number of residential units on a prime site in terms of location and accessibility and the proposal is welcomed from that perspective.

However, when considering the primary objective of 'MTC' zoned lands: 'to protect, provide for and/or improve major town centre facilities', the Planning Authority has some serious concerns in relation to the proposed development's contribution to achieve the aforementioned objective.

It is, therefore, the Planning Authority's opinion that the subject development needs to satisfactorily demonstrate that it 'protects, provides for and/or improves major town centre facilities and needs to do so in a way that is beyond simply proposing 'permitted in principle uses'. It is considered that the nature of the particular uses proposed, their extent and the relations between them need to be able to achieve the lands' MTZ zoning objective.

The Planning Authority is cognisant that compliance with certain Development Plan policies and the land use zoning objective are in some ways distinct separate issues, however, it is considered helpful from the perspective of understanding the land use zoning to consider at this point some of the policies from the Development Plan related to Major Town Centres. These are considered to be useful in informing what is deemed to be 'major town centre facilities' as per the MTC zoning.

Policy Objective MFC1: Multifunctional Centres states that:

*It is a Policy Objective of the Council to embrace and support the development of the County's Major Town Centres, District Centres and Neighbourhood Centres as multifunctional centres which provide a variety of uses that meet the needs of the community they serve.*

Policy Objective RET5: Major Town Centres states:

*It is a Policy Objective of the Council to maintain the two Major Town Centres – Dún Laoghaire and Dundrum – as the primary retail centres in the County and to support their evolving multifunctional role. The vitality of the towns will be enhanced by their mixed-use nature. In addition to retail, these centres must include community, cultural, civic, leisure, restaurants, bars and cafes, entertainment, employment and residential uses. Development shall be designed so as to enhance the creation of a sense of place.*

It is, therefore, inferred from the above, that 'major town centre facilities' comprise all those different uses and activities that when together at the adequate scale create a multifunctional centre capable of enhancing the vitality of the towns they serve.

There is only 2 Major Town Centres in the County, namely Dundrum and Dún Laoghaire. Therefore, lands zoned 'MTC' are a particularly scarce resource, which means that the opportunity cost of developing MTC lands (particularly in terms of what type of development, at what scale and with what mix) is much higher than for any other land use. As previously noted the subject site constitutes approximately 20% of the overall MTC zoning in Dundrum, and by far the majority of underutilised/brownfield lands left. As such, it is imperative for the vitality and viability of the town that the appropriate mix of units is achieved in this instance.

The catchment area of the Dundrum Town Centre arguably extends over a wide area of the Dublin Metropolitan Area and as such it is a requirement that it offers a wide range of uses and services to a very large population. Moreover, over the last couple of years the

area within a 1km radius of the Dundrum MTC zone is being subject to a very high level of planning activity in the residential sector, with a significant number of SHDs, several of which are already before An Bord Pleanála for consideration. It is reasonable to assume the potential to deliver approximately 3,000 units within this current phase of residential development in the locality. It is essential that an adequate level of supporting activities and services are available to sustain the existing and new communities.

Service delivery is particularly relevant from the national, regional and local policy perspectives (NPO4 and NPO 28 of the National Planning Framework, inter alia, refers), which seek to deliver compact growth, sustainable developments and healthy and vibrant communities. In order to achieve those ambitious objectives, it is considered fundamental that the delivery of housing goes hand in hand with the delivery of a wide range of accessible complementary uses/services.

The non-residential uses proposed extend for 4,458.7 sq m (5% of the 88,442 sq m of total development proposed). That provision of non-residential uses is assumed to be related to the limitation to no more than 4,500 sq m on uses other than residential established by the SHD legislation in order to development to fall under the 'Strategic Housing Development' definition. However, for the purposes of the subject scheme those limitations result in a predominantly residential development with a de minimis ancillary non-residential component of 5% of the overall GFA.

In this instance, it is the planning authority's strong opinion that the subject proposal is not capable of delivering anything approaching an appropriate mix of uses. The planning authority is further concerned that the mix of uses proposed may be unduly influenced by the thresholds within the SHD legislation. The appropriate development strategy in this instance should be informed by policy and an analysis of the site's context, rather than by procedural matters.

As noted previously the provision of a residential element in MTC lands is welcomed as it is a key ingredient in the creation of a vibrant Major Town Centre. However, the spread of uses proposed, and particularly the extent and scale of non-residential uses proposed is considered to be significantly inadequate and insufficient for such a key site.

Another relevant consideration is the type of ancillary uses proposed, these comprise: creche, retail (including a c. 2,000 sq m food store) and café/restaurant. It is considered that with the exception of the 2,000 sq m foodstore, which given the scale would be more pertinent for Neighbourhood Centre zoning in order to serve a local community, the mix of uses proposed – subject to compliance with all the other relevant development management criteria – could be permissible on 'A' (residential) zoned lands, of which there are in excess of 3,500ha in the County vis a vis the 45 ha of lands zoned MTC. This demonstrates that the proposal fails to deliver on the requirements of the MTC zoning which in terms of mix of uses and activities are more onerous than in other areas given the singularities of MTC lands

While this Application is to be viewed on its merits against current demands and current policy, it is worth reflecting on a broad comparison between the subject proposal and the previously-permitted scheme on site. The 2008 permission was for 46,000m<sup>2</sup> of retail and 40 residential units. Roughly speaking, the subject proposal represents a reduction of retail/non-residential floorspace by a factor of 10, and an increase in residential units by a factor of 20.

The planning authority is supportive of a move away from the mix of uses permitted under the 2008 scheme due to shifting trends, policy, and locational context. A retail scheme of 46,000m<sup>2</sup> would not be an appropriate response to this site at this time. The role of retail, and in particular large-floorplate retail as a contribution to the success of our town centres is being redefined. As noted previously, the current Development Plan 2022-2028 is at the

forefront of promoting a shift in emphasis towards 'multifunctional centres' with a more diverse offering of non-residential uses alongside a more traditional retail offer, such as services, food and beverage uses, office, leisure, entertainment, cultural, and civic. And indeed, there is also a shift towards recognising the increasing role of residential within our town centres.

Having regard to the foregoing, the Planning Authority is of the opinion that the proposed development does not provide for major town centre facilities as it fails to provide an spread of uses that will result in a multifunctional centre with the necessary vitality to fulfil its role within its wider area of influence. The Planning Authority is also of the opinion that the proposed development only partially improves major town centre facilities insofar as it will increase the residential supply, however, as a whole the improvement is not commensurate with the key role that the subject site plays within the Dundrum MTC.

In summary, the Planning Authority has serious reservations that the proposed development is capable of achieving the land's zoning objective: *'To protect, provide for and/or improve mixed-use district centre facilities.'*

#### Dundrum MTC as a Strategic Employment Location

As reflected in Table 2.15 in Chapter 2: Core Strategy of the Development Plan 2022, both Major Town Centres are identified as strategic employment locations with their employment potential identified to be: *'Potential for the development of key strategic urban regeneration sites for employee-intensive development. Located on strategic transport corridors, aligning employment growth with both existing and new residential communities.'* Section 2.6.2.1 (iii) of the Development Plan identifies, inter alia the subject site (Dundrum Town Centre Phase 2 lands) as a Strategic Regeneration Site.

Section 6.4.2.9 of the Development Plan states that: *'The Plan recognises the importance of retaining and facilitating additional office accommodation in Major Town Centres as a key land use that contributes to the vibrancy and vitality of these highly accessible multifunctional centres.'*

Considerations regarding the mix of uses within a major town centre in general have been considered before. However, the Plan recognises in particular the importance of an adequate provision of employment intensive uses within MTC lands both from the perspective of ensuring an adequate mix is provided in order to deliver multifunctional centres but also in order for them to fulfil their role as a strategic employment location.

Currently the provision of employment intensive uses in the Dundrum Major Town centre appears to be limited to 2 No. office buildings to the south east of the site with a combined GFA of 11,235 sq m (to put it in context that represents less than 13% of the total floor area of the subject development).

Also, from a wider perspective the provision of an adequate quantum of employment uses in the major town centre is deemed to have very positive planning terms both from the perspective of locating commuting destinations on areas well served by public transport locations by public transport but also by locating those employment uses in the proximity of residential uses that would have a direct effect in the reduction of trips by private cars.

Therefore, the non-provision of employment uses as part of the subject scheme is considered by the Planning Authority contrary to the strategic employment location condition of the town centre but also a significant missed opportunity.

## **8.2 DEMOLITION OF EXISTING STRUCTURES**

The subject proposal seeks the demolition of all structures on site, excluding Nos. 1-3 Glenville Terrace.

From the outset it is noted that there are no Protected Structures within the site (although works are proposed to the boundary with the Holy Cross Church and the Parochial House both Protected Structures adjacent to the site to the south east).

Part of the site is located within the Dundrum Architectural Conservation Area as established by the Development Plan 2022-2028.

When considering the impacts of the proposed development on the Dundrum Architectural Conservation Area it is deemed relevant to note the requirements of S82.(2) of the Planning and Development Act 2000, as amended, which states:

*'(2) In considering an application for permission for development in relation to land situated in an architectural conservation area, a planning authority, or the Board on appeal, shall take into account the material effect (if any) that the proposed development would be likely to have on the character of the architectural conservation area.'*

No issue arises with regard to the demolition of the Old Shopping Centre as this is not considered to be of any architectural merit and is not within the ACA. However, in relation to the removal of properties along Main Street, the Planning Authority has some serious concerns regarding potential impacts in the Dundrum ACA.

In addition, to Nos 1-3 Glenville Terrace, which the Applicant is seeking to retain, the following properties identified for demolition are located within the boundary of the ACA: the building north of Glenville Terrace (former Joe Daly Cycles); No. 4 Glenville Terrace; and Nos. 13 and 13A Main Street.

Policy Objective HER13 (i) of the Development Plan states that it is a Policy Objective to: *'Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA).'*

Policy Objective HER14 states that: *'It is a Policy Objective to prohibit the demolition of a structure(s) that positively contributes to the character of the ACA'.*

The Applicant in the documentation submitted appears to justify the demolition of the 4 No. properties within the ACA on the basis of, inter alia, the buildings being in a poor state of repair; the structures not being on a consistent building line with the street edge; the properties presenting a disjointed streetscape and not being compatible with the achievement of a new unified streetscape on the western side of Main Street; and the buildings not being functionally compatible with modern commercial use.

With regards to the issues around the building line and the streetscape the Applicant appears to be applying modern planning and architectural concepts to historic properties as those arguments appear to fail to take into account that traditional development approaches in the 18<sup>th</sup> and 19<sup>th</sup> centuries in Ireland, and indeed in many other European countries, where less structured building lines resulted from 'organic' development whereby buildings could take different positions along the street as they responded to different needs/situations. This in turn can provide a visually interesting streetscape with objects hiding and revealing to the view as one progresses along the street. An additional consideration as to how the buildings are positioned along Main Street is the need to respond to the levels and the curving nature of Main Street. In relation to this, it is noted that it appears that in the proposed site layout plan the Applicant is not intending to create a consistent building line either, as, for example proposed blocks 3C and 4B are not keeping the building line set by the Glenville Terrace, furthermore, it is also noted that certain indents are proposed on the blocks' elevations along Main Street which would also appear to not align with the ambition to create a 'consistent building line'

Having regard to the foregoing, the Planning Authority does not consider the buildings position relative to the street or the lack of a 'unified' streetscape as a negative element. On the contrary it is deemed to be a visually interesting aspect that contributes to the unique character of the area. It is also considered to be an element of distinct merit, worthy of being retained particularly in a context whereby the surrounding built environment is to be renovated with modern buildings developed in amore 'unified' streetscape.

As noted, other issue raised by the Applicant relate to the state of repair of the structures. As shown on the site location map, all those buildings are in the applicant's control/ownership and therefore the Applicant has a certain duty of care. The fact that a certain property has not been adequately maintained and has ben left to deteriorate is not deemed to be a sufficient argument to justify the demolition of any property that has been found to be of sufficient merit to form part of an Architectural Conservation Area. Furthermore, and also related to the other issue mentioned by the Applicant regarding the buildings not being compatible with modern commercial use it is considered that the conservation discipline nowadays has advanced significantly and there are multiple examples in the county, an indeed in the vicinity of the subject site, whereby older buildings can be sensitively repaired an brought back to active use. Having regard to the ample array of uses permissible within the MTC zoning the Planning Authority does not consider that the Applicant has satisfactorily justified that the existing buildings cannot be restored and incorporated within the redevelopment of the wider site.

It is also considered relevant to note that the Character Appraisal of the Dundrum ACA (July 2021) notes that the subject properties and, in particular the building north of Glenville Terrace (former Joe Daly Cycles) and No. 13 (including 13A) Main Street contribute to the character of the ACA. Furthermore, the Assessment of significance of buildings within the submitted EIAR also acknowledges that the structures within the ACA proposed for demolition are of architectural interest/merit.

The Board is also referred to the report of the Conservation Officer. As stated by the Conservation Officer the retention of 1-3 Glenville Terrace, however, as per previous considerations other buildings within the ACA should also be maintained. The proposed works to Nos, 1-3 Glenville Terrace also comprise the removal of the existing front boundary treatments in order to facilitate an outdoor sitting area. Regard is had to Policy Objective HER13(vi), which states that it is a policy objective to: 'Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.' The ironwork of the front boundary of 1-3 Glenville Terrace is identified as a distinctive element of merit. It is considered that the ironwork railings forming the terrace's front boundary should also be kept and incorporated to the schedule of works.

In the documentation submitted the applicant notes that the demolition of the aforementioned buildings was previously permitted under ABP Ref. PL06D.233317 (DLR Ref. D08A/0231). A number of issues are deemed to be relevant in this regard. Permission granted for Ref.D08A/0231 (ABP Ref. ABP Ref. PL06D.233317) has now expired, therefore, it is considered appropriate to assess the issue again, bearing in mind that policy, both nationally and locally has changed significantly since that permission was granted by the Board in 2009.

In terms of changes to national policy, the Architectural Heritage Protection Guidelines for Planning Authorities were issued by the Department of Arts, Heritage and the Gaeltacht in 2011, the Guidelines note that in relation to the demolition of a structure that contributes to the character of the ACA the onus is on the Applicant to make the case for demolition a number of questions are presented in the guidelines that should be consider for this type of proposal, notably one of the issues mentioned in the guidelines, is if the character and special interest of the whole of the structure or of the ACA be diminished by the demolition

of a part. The Dundrum ACA is formed by a selection of buildings both to the east and west of Main Street. The group of approximately 7 No. buildings from the building to the north of Glenville Terrace to 13a Main Street give continuation on the west side to the character and expression of other buildings in the ACA located to the east of Main Street, including the Pembroke Terrace. It is considered that if 4 No. out of those 7 buildings were to be removed the character of the ACA would be diminished.

In terms of changes to local policy since the 2009 decision was made, the recently approved Dun Laoghaire Rathdown County Development Plan 2022-2028 establishes the Dundrum Architectural Conservation Area, thereby endowing those buildings of an elevated conservation status. The Character Assessment prepared as part of the ACA designation identifies those buildings as being of particular merit and worthy of being kept. Whilst it is acknowledged that they have been over the years subject to works that were not sympathetic to their original character, the Character Assessment shows that there is still sufficient elements of value in them in order to form part of the Dundrum ACA and be worthy of retention.

Additionally, in relation to comments made by the Applicant in relation to the need for achieving a dense and sustainable town centre and the retention of elements of the existing streetscape, the dichotomy presented by the Applicant in the opinion of the Planning Authority does not necessarily exist. There is an abundance of evidence both nationally and internationally that the architectural conservation discipline is significantly advanced nowadays and is capable of producing developments that maintain existing buildings of merit while integrating them in modern denser schemes, which retain the heritage and character of the area without compromising the delivery of sustainable development at appropriate densities. One such example can be the Pembroke Square or the Ashgrove Terrace on Phase 1 of the Dundrum Town Centre.

To conclude, the Planning Authority is of the opinion that the Applicant has not satisfactorily justified the extent of proposed demolition and that the complete removal of 4 No. buildings within the boundary of the Dundrum Architectural Conservation Area, which make a positive contribution to the character of the ACA, will negatively affect the character of the ACA, is contrary to Policy Objectives HER13 and HER 14 and materially contravenes the 2022-2028 Development Plan in this regard.

### **8.3 SPECIFIC LOCAL OBJECTIVES**

As per Map 1 of the Development Plan 2018-2022 The following Specific Local Objectives (SLO) apply to the subject site:

- SLO 6: *'To complete a Local Area Plan for Dundrum.'*

As previously noted, the preparation of the Dundrum Local Area Plan is currently underway. Following the adoption of the county Development Plan 2022-2028 the Dundrum LAP is a priority with the work programme of the Planning Authority. An issues paper was issued in November 2018 however it did not progress to a draft LAP at that time.

Subsequent to the adoption of the County Development Plan 2022-2028, the Forward Planning team has recommenced work on the Dundrum LAP and an updated timeframe for the publication of the Draft plan is currently being considered. Various elements of work required such as the SFRA, the ongoing ABTA and the SEA and AA process will factor into the time frame. The aim is for the fourth quarter of 2022.

- SLO 8: *'To ensure Dundrum develops beyond just a retail shopping destination. Any future redevelopment of the old shopping centre lands shall provide for*

*residential use and a range of complementary non-retail uses including - but not limited to - employment, restaurant, leisure, entertainment, creche facilities, remote working hubs, cultural, community and civic uses – to supplement that already provided for within the wider Dundrum Town Centre.'*

This SLO, which relates specifically to the subject site, reinforces and complements the policy objectives for the MTC lands, already discussed in the previous section, emphasizing the importance of achieving a vibrant and multifunctional Major Town Centre which is capable of offering uses and activities for a vibrant community. In particular, SLO 8 seeks the delivery on the subject site of a diverse range of non-retail uses to supplement any existing offer of those uses.

The subject scheme - with the exception of the creche and the restaurant - fails to deliver other non-retail uses, particular those related of employment, entertainment, leisure, entertainment, cultural, community and civic nature.

The proposed development is not deemed to comply with the requirements of SLO 8.

- SLO 9: *'To ensure that any future redevelopment of the old shopping centre lands, and adjoining /nearby properties on Main Street, take cognisance of the character and streetscape of the Old Main Street, and maintain where appropriate, and possible existing buildings and/or facades. Building Heights alongside Main Street must be sensitive to the original streetscape, in keeping with its character, scale and Architectural Conservation Area status.'*

Considerations relation to the retention of existing buildings have already been discussed previously with the proposal not deemed satisfactory. The relationship of the proposed development with existing buildings across Main Street will be further discussed at the relevant section of the report. However, it should be noted at this point that the Planning authority has some concerns in relation to the height of buildings (5 storeys generally) proposed on Main Street and the impact those could have on the character and streetscape of Main Street. Having regard to the pattern and scale of development on Main Street the proposed building height along the east boundary facing main street is deemed to be excessive and fails to be sensitive to the original streetscape, in keeping with its character, scale and Architectural Conservation Area status.

The proposed development is not deemed to comply with the requirements of SLO 9.

- SLO 11: *'To support the recommendations of the Dundrum Community, Cultural and Civic Action Plan.'*

It is noted from the outset that contrary to an assertion made by the Applicant in the Planning Statement the Dundrum Community, Cultural and Civic Action Plan (DCCCAP) is publicly available in DLRCC's website since November 2021. Therefore, it is considered that the Applicant has had sufficient time to review and ensure the proposal aligned with the recommendations of the Action Plan.

The recommendations of the DCCAP, set out in the form of Actions in Chapter 8 of the document include, inter alia, to *'Promote the development of a Civic and Cultural Hub in Dundrum Town Centre to serve as a District-scaled facility serving a wide catchment'*.

Given that this SLO seeks to support the recommendations of the DCCCAP, no direct requirement for the subject scheme is deemed to emerge from SLO11.

- SLO 114: *'To ensure any future redevelopment of the Old Shopping Centre site addresses the need for the provision of a future Dundrum Community, Cultural and Civic Centre facility, which also integrates into a civic square/plaza area'*

SLO 114 is linked with SLO 11 discussed above insofar as it takes the emerging need for a Community, Cultural and Civic Centre facility identified in the DCCCAP and links it directly with the redevelopment of the subject site.

No such Community, Cultural and Civic Centre facility capable of serving a wider catchment area is proposed as part of the proposed development.

The Applicant refers in the submitted documentation to 'indications are that DLRCC is advancing proposals outside of the current application site'. While different options are being explored by the Council to address the need of a Community, Cultural and Civic Centre facility in the area no firm decision has been made on the matter yet and all options are still open.

Regard is had to the report from DLRCC's Community Section report that refers to the undersupply of community facilities in the area identified by the DCCCAP and also refers to the subject application which would substantially increase the number of residents in the major town centre as a missed opportunity.

It is considered that irrespective of the final location of the Community, Cultural and Civic Centre facility within or outside the site boundary, SLO 114 requires the provision of the Community Centre and its integration with a civic square/plaza area to be addressed as part of the subject scheme. Therefore, the proposed development is premature pending resolution of this matter and does not comply with the requirements of SLO 114.

Furthermore, if the proposed development were to go ahead in advance of the community centre being delivered (or at least permitted) it would mean that large residential scheme would be delivered on an area with a known existing undersupply of social infrastructure to cater for the needs of existing and future residents.

- SLO 123: *'To ensure that, as Strategic Regeneration Sites, residential provision on the Central Mental Hospital Site and the Old Shopping Centre site will provide for a balanced mix of housing tenure, including affordable homes, and an acceptable mix of larger flexible units, and lifetime adaptable homes to ensure balanced, sustainable communities in Dundrum.'*

The proposal provides for 881 No. apartments. As no reference has been made to it in the statutory notices (as required by SPPR7(a) of the 2020 Apartment guidelines), the subject development is not a Build-To-Rent Scheme. The Applicant is proposing to transfer the ownership of 88 No. units (10%) of the overall proposal to comply with the requirements set out in Part V of the Planning and Development Act, 2000 (as amended). However, that provision may be increased, if relevant, on foot of the requirements of the Affordable Housing Act, which, applies a requirement for an increased 20% 'Part V' obligation for sites acquired prior to 1st September 2015.

Whilst the requirements in relation of Part V compliance are deemed to be satisfied or have the potential to be satisfied the Planning authority has some serious concerns regarding the mix of units and in particular the provision of larger units. This issue will be discussed further at the relevant section however the Planning



Authority considers that the provision of 82 No. 3-bed apartments (c.9% of the total) does not comprise a balanced mix.

The proposed development is not deemed to comply with the requirements of SLO 123.

- SLO 124: *'Permeability through all developments on the west side of Main Street should ensure pedestrian/cycle links between Main Street and the Dundrum Bypass.'*

As part of the proposal a pedestrian/cyclist bridge is proposed connecting the subject site with Sweetmount Park, this would provide east-west connectivity for pedestrians and cyclist between Main Street and Sweetmount Park. However, no east-west connectivity appears to be provided for the wider public in the proposed scheme between the Bypass and Main Street. This connectivity is considered critical, particularly in light of options around the future form and function of Main Street, the activation of the Bypass at street level and the evolving network of bus routes and bus stops.

Accordingly, the proposed development is not deemed to comply with the requirements of SLO 124.

#### **8.4 RESIDENTIAL DENSITY**

The proposed development comprises 881 No. units on a site of c.3.5ha resulting in a gross density of, approximately, 252 units per ha. The net density, considering a site area of 3 hectares (which according to the Applicant is the area excluding public roads on Main Street, the Dundrum Bypass and Ballinteer Road), is 294 hectares.

Policy Objective PHP18: Residential Density states that it is a Policy Objective to:

- *'Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.*
- *Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.'*

Furthermore, Policy Objective PHP20 Protection of Existing Residential Amenity states that:

*'It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.'*

The subject site is deemed to be a brownfield site, accordingly it is considered that provisions around the protection of adjoining amenity as per Policy Objectives PHP18 PHP20 are relevant, in particular in the context of the Zoning Objective A: 'To provide residential development and improve residential amenity while protecting the existing residential amenities', where the existing neighbouring properties are located.

Section 12.3.3.2 of the 2022-2028 development plan provides that in general the number of dwellings to be provided on a site should be determined with reference to the government guidelines documents:

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

Section 4.3.1.1 of the Development Plan establishes that as a general rule the minimum default net density for new residential developments in the County (excluding lands on zoning Objectives 'GB', 'G' and 'B') shall be 35 units per hectare.

The site is located less than 100 m from the Dundrum LUAS stop.

Section 5.8 of the 2009 Sustainable Residential Development in Urban Areas Guidelines recommends that increased densities be promoted, inter alia, within 1km of a light rail stop or a rail station. The Guidelines go on to establish that in general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors.

On the basis, of the 2009 guidelines, it is considered that the minimum density for the subject site, having regard to its location adjacent to a public transport corridor should be 50 units per hectare.

As stated above, for the purposes of establishing the site's net density the Applicant has excluded the area of public roads from the site area. Regard is had to the definition of net density from Appendix A of the 2009 Guidelines, under which net density excludes, inter alia, major and local distributor roads. On that basis, the Planning Authority concurs that the area of public roads should be excluded from the site area for the purposes of the density calculation.

The density of development proposed (252 units per hectare gross and 294 u/ha net), considering the quantitative element only, is deemed to be consistent with the provisions of the 2009 Guidelines for public transport corridors and the County Development Plan. Whilst the density of development proposed is significantly higher than the pattern of development in the wider area, it is considered that its location at a Major Town Centre at a highly accessible location justifies the provision of increased densities.

It should be noted that the policies of the County Development Plan on density take full cognisance of all applicable Section 28 Guidelines, and as such, no further assessment is required on this issue.

Notwithstanding, in accordance with the requirements of Policy Objectives PHP18 and PHP20 of the County Development Plan 2022-2028 it is necessary to consider whether the subject proposal does not detrimentally impact upon existing residential amenity and the established character of the surrounding area. These issues will be considered in the relevant sections of the report.

It is noted that while the principle of the proposed density may be acceptable in general terms, the proposed density could be deemed excessive if the performance of the scheme against a suite of performance criteria to be considered in the following sections of the report, is not deemed satisfactory. While the onus is on the applicant to design a scheme that complies with these performance criteria, the planning authority has serious doubts that a scheme of the density proposed would be appropriate for this site.

## **8.5 RESIDENTIAL AMENITY**

Residential Amenity is a key consideration for the purposes of the subject application. Particularly considering that as per the Development Plan ensuring that the development

will not negatively impact on existing residential amenity is a fundamental consideration both in terms of the lands' zoning objective 'A' but also in terms of density (Policy Objective PHP18). Ensuring that the potential future residents of the subject scheme will have satisfactory levels of amenity is also a key aspect in the assessment of the subject proposal.

It is also deemed relevant to note the requirements of Policy Objective PHP35: Healthy Placemaking

*'It is a Policy Objective to:*

*Ensure that all development is of high quality design with a focus on healthy placemaking consistent with NPO 4, 26 and 27 of the NPF, and RPO 6.1, 6.12, 9.10 and 9.11 of the RSES.*

*Promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013).*

*Ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.'*

### Overlooking

The Development Plan (Section 12.3.5.2) requires in order to protect the amenity of residents of apartment blocks in terms of separation between blocks a minimum distance of circa 22 metres to be kept, in general, between opposing windows in the case of apartments up to three storeys in height. Additionally, with the intention to ensure the quality of private amenity spaces, the Plan also sets that a minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, for new developments (Section 12.8.7.1). The latter would translate in a general requirement to maintain a minimum standard of 11 metres from first floor windows to the boundary with the adjoining residential property.

#### *Distances to boundaries*

The subject site is primarily bounded by the public road to the north, south, west and a large portion of the east boundary, with the only exception where the site directly adjoins other properties is to the south east, where the site is bounded by the Holy Cross Church and the Parochial House and also on the south east corner by Nos 1, 1B, and 1C Ballinteer Road, which are under the applicants control and appear to be in commercial use.

Nos. 11 and 16/17 Main Street are also outside the application site according to the Proposed Site Layout Plan (Drawing No. DD-GRID-00-ZZ-DR-A-PL004, Rev. P01) and the Planning Statement submitted (albeit that information appears to be contradicted by the Site Location Plan (Drawing No. DD-GRID-00-ZZ-DR-A-PL001, Rev. P01), which shows those properties as included within the application site. Part of No. 16/17 Main Street is in the ownership of the Applicant including accommodation at basement, ground and first floor levels, which is currently vacant. The part of the building under separate ownership includes Mulvey's Pharmacy. The 2 storey building at No. 11 Main Street (Lisney) also appears to be outside the applicant's control.

The proposed development will be built directly abutting the rear boundary of both No. 11 and No. 16/17. A 5 storey block (Block 4B) will be built directly to the back of those two properties. It is noted that No. 16/17 has rear looking windows at first floor level on what, according to the Applicant is residential accommodation (albeit currently vacant). No. 11 has roof lights to the rear roof. The Applicants ownership status of part of one of those 2 properties is noted. However, there is no evidence to suggest that the Applicant will be able to gain full control of both sites. In the absence of such evidence the Planning Authority has concerns about the negative impact that Block 4B would have on Nos. 11 and 16/17 in their current form and also in their future development potential.

#### *Distances between blocks*

The Planning Authority has some serious concerns as there appear to be various locations across the development whereby adequate separation distances of at least 22m between directly opposing windows at above ground levels have not been maintained. In particular, there appears to be certain area where distances between windows are less than 10m.

One example of such situation is between Block1C and blocks 1A and 1B, whereby windows and balconies are less than 20m apart and around 15m on certain locations. Whilst the oblique relationship of the blocks is noted, the angle between the blocks is not deemed to be such to prevent direct views into balconies/habitable rooms. Similarly, distance between Block 1C and 2C is less than 15m with windows almost directly facing each other. This issue appears to occur at various levels above ground.

Similar issues arise between Block 2C and 2A and 2B, respectively; and also between 2C and 3C; and between 2B and 3A. In those instances, directly opposing or almost directly opposing windows and/or balconies are less than 20m apart and on certain instances less than 10m apart. Again, the same problem appears to arise at all above ground levels.

Distances between Block 3C and 3A is also less than 10m with directly or almost directly opposing windows. Similarly, windows in Blocks 3B and 4A are less than 15 m apart.

Same issue appears to occur between blocks 4A and 4B which are c. 11m apart and have directly or almost directly opposing windows and/or balconies.

Whilst in certain instances it is considered that the obscure glass could address the issue, this is not deemed to be a workable solution at all locations given that for certain habitable rooms that is the only window in the room and it could result in a significant reduction of natural light available in the room. Additionally given the scale of the issue, which appears to arise on a large number of situations the Planning Authority considers that a major redesign would be required to address it as a solution like the removal of one block would not address the problem.

Given the location of the lands in a major town centre and with the objective of achieving a sustainable scale of development, the Planning Authority would, as a general principle be open to a reduction in separation distances subject to adequate design solutions being in place to prevent undue overlooking and ensure that future residents would enjoy adequate levels of amenity. However, in this instance it appears that no design solution has been integrated with the design and it is not apparent that any intervention via condition can solve the problem in its entirety.

The Planning Authority is of the opinion that the subject scheme could lead to high levels of active and passive overlooking due to which many resident. Given the short distances involved, windows/balconies could be directly overlooked or will have the feeling of potentially being overlooked resulting in very poor levels of residential amenity. This issue would suggest that the proposal comprises overdevelopment of the subject site.



**Figure 1 Extract of Block 1A,1B,1C (Zone 1) Plan at Second Floor (Drawing No. DD-GRID-01-02-DR-A-PL102; Rev. P01) with windows and balconies (in red) where undue overlooking is deemed to potentially occur given separation distances of less than 20m.**





**Figure 2: Extract of Block 2A,2B,2C (Zone 2) Plan at First Floor (Drawing No. DD-GRID-02-01-DR-A-PL121, Rev. P01) with windows and balconies (in red) where undue overlooking is deemed to potentially occur given separation distances of less than 20m.**



**Figure 3: Extract of Block 3A,3B,3C (Zone 3) Plan at First Floor (Drawing No. DD-GRID-03-01-DR-A-PL141, Rev. P01) with windows and balconies (in red) where undue overlooking is deemed to potentially occur given separation distances of less than 20m.**





**Figure 4: Extract of Block 4A, 4B (Zone 4) Plan at First Floor (DD-GRID-04-01-DR-A-PL161) with windows and balconies (in red) where undue overlooking is deemed to potentially occur given separation distances of less than 20m.**

### Noise

Having regard to the proposed use of the subject development, primarily with residential purposes with an element complementary non residential uses and on the basis of the information regarding noise provided by the Applicant in the EIAR, it is not considered that the operational phase of the proposed development will give raise to levels of noise that would be inappropriate in a residential context within a suburban area.

While it is considered that during the construction phase there is potential for higher noise levels on occasions that could cause temporary nuisance to neighbouring dwellings. It is not expected that such situation would occur in a manner or intensity that would be out of context or excessive in a suburban environment. It is also considered that there is some potential for increased noise levels from some non-residential uses proposed but those are deemed to be quite localised and also capable of being managed/prevented through controlling opening hours and/or facilities management.

In relation to the noise assessment included in the EIAR submitted, it does not appear that noise impact from vehicular traffic on the bypass on apartments facing directly to the bypass and also communal spaces proposed at roof levels has been adequately considered.



The Board should be satisfied that adequate mitigations measures are in place to ensure that the amenity of residents is adequately protected.

### Sunlight and daylight

#### *Impacts on existing properties*

The Applicant has assessed the impacts on daylight to neighbouring properties as part of a Daylight, Sunlight and Overshadowing Report submitted. It is noted that the Development Plan in section 12.3.4.2 requires the impact on existing habitable rooms to be considered and sets the 'Site Layout Planning for Daylight and Sunlight, A guide to Good Practice' by BRE as the relevant guidance document.

The applicant has assessed the impact of the proposed development in terms of sunlight and daylight on adjoining residential properties. The Applicant does not appear to have provided individual details of the windows assessed. Rather the results provided have been grouped by property.

In summary, the study carried out by the Applicant shows that 2 No. properties, will experience no impact in terms of sunlight (Dundrum View Apartments (albeit no individual data appears to have been provided for each of the apartments) and Holy Cross Church and Parochial House). The study also shows that there will be an impact on the houses on 'the Laurels' and Nos 10 to 30 Sweetmount Avenue (again individual details for each of the houses do not appear to have been included). The impact on those properties appears to be within the 20% tolerance allowed by the BRE Guidelines on the basis that impacts are not expected to be noticeable. While the results are acceptable in principle given that they are within BRE's tolerable values, the Planning Authority has certain reservations as there appears to be a large number of properties affected.

The assessment of existing properties also shows that Nos. 2, 4, 6, 8 and 10 Sweetmount Avenue will have a reduction with respect to the existing sunlight levels enjoyed which is greater than 0.2 times their existing values. However, all properties achieve Vertical Sky Component Values of at least 27%, which accords with the recommendations from BRE Guidelines.

No Sun on the Ground assessment appears to have been carried out for the rear garden of existing residential units. It is noted that BRE guidelines state that the availability of sunlight should be checked for all open spaces. The Applicant has submitted overshadowing diagrams for the overall area. However, it is difficult from those diagrams to determine discrete impacts on a particular garden. On the basis of the shadow diagrams there does not appear to be significant impacts on the existing amenity spaces.

Overall, the Planning Authority is reasonably satisfied on the basis of the above that the proposed development would not cause material negative impacts in terms of sunlight and daylight on surrounding properties, subject to the recommended condition.

Having regard to the issues discussed under the residential amenity heading and the conclusions achieved for each item, the subject scheme, subject to conditions, is deemed to be capable of satisfactorily protect existing residential amenities, in line with the requirements of the 'A' zoning objective and also Policy Objectives PHP18 and PHP20.

#### *Internal impacts*

The report on the internal daylight study prepared by the Applicant shows that, in summary, 96% of all tested habitable rooms (2,359 No. rooms tested out of 2,389 total rooms) meet the Average Daily Factor criteria of the BRE Guidelines -1% for bedrooms and 2% for living, kitchen and dining spaces. The Planning Authority welcomes those daylight results for the proposed apartments, and in particular the fact that according to the Applicant, all bedrooms meet or exceed BRE parameters and the rooms that do not meet standards all of them are kitchen/living/dining spaces for which compensatory

measures are proposed. Whilst, as stated, the results shown are very positive particularly of a scheme of these characteristics, it is considered that as already discussed the level of fenestration proposed, which undoubtedly contributes to achieving those very good daylight results, would result in significant overlooking issues. Another consideration is that the Average Daily Factor is not the only relevant metric to understand the internal quality of an apartment, other assessments such as Annual Probable Sunlight Hours (including Winter Probable Sunlight Hours) and the No Sky Line are also relevant and do not appear to have been carried out.

The Applicant has also carried out a Sun Hours on Ground assessment of all public and communal open spaces, the latter at ground, podium and roof levels; and also the creche's external area. The results from the assessment show that all open spaces and all communal spaces, exceed the BRE Guidelines recommended values where at least half of the relevant open space receives 3 hours of sunlight on 21<sup>st</sup> March.

## 8.6 STANDARD OF ACCOMMODATION

### 8.6.1 Apartments

#### Unit Mix

Policy Objective PHP 27 Housing Mix provides that: *'It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA'.*

The mix requirements for apartment developments is set out in Table 12.1 of the Development Plan 2022-2028. For new apartment schemes of more than 50 units in the existing built up area, the Development Plan requires that apartment Developments may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios. A minimum of 20% of the units must be 3+ bedroom units.

It is noted that SPPR 1 of the 2020 Apartment Guidelines states that: *'Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).' [Emphasis added.]*

A Housing Need and demand assessment has been prepared and forms part of the Development Plan 2022-2028 (Appendix 2), the HNDA which analyses existing housing stock as well as permitted developments in the pipeline, has informed Appendix 2 and also the mix required for apartment developments as set out in Table 12.1. Therefore, the unit mix required by the Development Plan 2022-2028 is deemed to be consistent with SPPR 1 of the Apartment Guidelines 2020.

The subject proposal comprises the following overall mix:

Type	No. of Units	% of Units
Studios	1	0.1%
1-bedroom unit	335	38%

2-bedrooms units	463	52.5%
3-bedrooms units	82	9.3%
	<b>Total 881</b>	<b>Total 100%</b>

Accordingly, 336 No. units (38.1%) are a combination of studios and one bed, when the maximum permitted by the Development Plan for such combination is 30%. Additionally, 82 No. 3+ bedroom units (9.3%) are proposed as part of the subject scheme. A minimum of 20% (176 No. units) 3+ bedroom apartments should be provided.

The above requirements as noted are grounded in the results from the HNDA which is aligned with the wider national strategic objective in the NPF to promote compact growth and the role that apartment development have to play in that regard in certain locations. The Planning Authority is of the opinion that in order for the transition of denser modes of living such as apartment living to occur within a society whereby traditional housing models of semi-detached houses have been preponderant for many years, it is necessary that adequately sized apartments, capable of meeting family needs are delivered in sufficient amount to cater the population needs. Otherwise, existing predominant ideas of apartment living comprising only a stepping-stone for younger and more transient cohorts of the population before moving on to low-rise housing will continue. It has been widely demonstrated that such model does not support the delivery of compact growth. It is from that perspective that while there may be a number of 3+bed houses in the area, it is necessary for the objectives outlined above to ensure that relevant apartment developments provide an appropriate unit mix.

It is considered that the proposed unit mix does not comply with the requirements of Table 12.1 of the Development Plan and is contrary to Policy Objective PHP27.

In addition to the above, it is deemed pertinent to note here the requirements of SLO 123: *'To ensure that, as Strategic Regeneration Sites, residential provision on the Central Mental Hospital Site and the Old Shopping Centre site will provide for a balanced mix of housing tenure, including affordable homes, and an acceptable mix of larger flexible units, and lifetime adaptable homes to ensure balanced, sustainable communities in Dundrum'* are also noted. As already noted before, it is considered that the requirement to provide *'an acceptable mix of larger flexible units'*, consistent with the requirements from Table 12.1, is currently not being met. Thus, the proposed development does not accord with the requirements of SLO 123.

### Size

Section 12.3.5.5 of the 2022-2028 Development Plan establishes all apartment developments shall accord with or exceed the minimum floor areas indicated in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities', (2020), as captured in the Table 12.4 of the Development Plan.

Studio	37 sq m
One bedroom	45 sq m
Two bedrooms (3 persons)	63 sq m
Two Bedrooms (4 persons)	73 sq m
Three Bedrooms	90 sq m

According to the Housing Quality Assessment submitted, all the proposed units meet or exceed the above minimum areas.

The Development Plan also requires that the majority of apartments in any proposed scheme of 10 or more shall exceed the minimum floor area standard for any combination of 1, 2 or 3 bed, by a minimum of 10% (excluding studios). The Applicant states in the Housing Quality Assessment that 463 No. units (c.53%) exceed the minimum floor space by 10% or more.

On that basis, the size of the proposed apartment units appears to be in accordance with the Development Plan.

### Dual Aspect

Section 12.3.5.1 of the Development Plan provides in relation to the provision of dual aspect apartments that in accordance with the criteria set out in the 2020 Apartment Guidelines, DLR as a County is classified as suburban or intermediate location and as such there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

The Development Plan also provides a definition of what is considered a dual aspect unit: *'A dual aspect apartment is designed with openable windows on two or more walls, allowing for views in more than just one direction. The windows may be opposite one another, or adjacent around a corner. The use of windows, indents or kinks on single external elevations, in apartment units which are otherwise single aspect apartments, is not considered acceptable and/or sufficient to be considered dual aspect and these units, will be assessed as single aspect units'.*

In addition to assessment of dual aspect under the County Development Plan, the planning authority is obliged under Section 28(1C) of the Planning Act to consider SPPR4 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (2018), and to comply, where necessary. SPPR 4 allows for a reduced minimum proportion of 33% dual aspect in more central and accessible locations. Section 2.4 of the guidelines sets out how a planning authority might categorise a given site's location as either 'Central and/or Accessible', 'Intermediate', or 'Peripheral and/or Less Accessible', but caveats this with a statement that "The range of locations outlined above is not exhaustive and will require local assessment that further considers these and other relevant planning factors." It is considered that the preparation of the current County Development Plan represents the 'local assessment' envisaged by the guidelines. As such, regard is had to Section 12.3.5.1 of the County Development Plan which classifies the entirety of the County as 'Suburban or Intermediate' for the purposes of considering policy on dual aspect. As such, in applying SPPR 4 of the Apartment Guidelines to the subject scheme, it is considered that the assessment above under the County Development Plan is applicable, and no further assessment is required on this topic. The Development Plan allows for deviation from this standard on urban infill schemes on sites of up to 0.25ha or building refurbishment schemes on sites of any size, the subject proposal is not deemed to fall under any of those two categories, thus, the 50% minimum standard is deemed to apply.

The Applicant states in the Housing Quality Assessment that 527 No. (60%) of the 881 No. total apartments proposed as part of the subject scheme are dual aspect. Following review of the floor plans submitted it appears that there are, instances whereby the Applicant has identified dual aspect apartments that would not be deemed to meet the definition from the Development Plan in that they rely indent in the elevation rather than allowing full views on different directions. There are also instances, particularly relating to corner units, whereby given the position of the windows in very close proximity to the internal corner of the block that it is considered that those units do not achieve the benefits of dual aspect units for the purposes of views and ventilation. It is noted that some of those units do not appear to meet the standards referenced by the Applicant, namely the London Housing Standards Report (2009)); and also Part F of the Building Regulations (relating to ventilation), in that the second façade is not at least 3m in width to provide this second aspect, and in most cases the return wall is not 3.5m long.



It is notable that this site is broadly unencumbered, and there are no site-specific constraints that would preclude compliance with minimum standards for dual aspect. It is considered that modifications to the apartments within the scheme would be necessary to bring the scheme into compliance with Development Plan standards, and to increase the proportion of dual aspect units to a minimum of 50% as the planning Authority is not satisfied that the current scheme meets the 50% minimum threshold.

It is also noted that by increasing the number of 3-bedroom units could also assist in increasing the number of dual aspect apartments.





**Figure 5: Extract of Block 2A,2B,2C (Zone 2) Plan at Third Floor (Dwg No. DD-GRID-02-03-DR-A-PL123; Rev. PL01) showing units considered by the Applicant as dual aspect. The image shows an example of apartments that the Planning Authority does not consider meet to meet the requirements to be deemed dual aspect (shown in red). There are many examples of that approach across the site that result in the Planning Authority having serious concerns as to whether 50% dual aspect units is being achieved as stated by the Applicant.**

In terms of single aspect north facing units, the Applicant states that there are no such units within the proposal. The Planning Authority does not concur with that assessment. The planning Authority is of the opinion that there are a number of single-aspect north facing units (understood to be within a 45 degree angle either side of due north) across the development. According to the 2020 Apartment Guidelines, single aspect may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature. It is not considered that those circumstances where single aspect north facing units are acceptable arise as those units face the junction between Main Street and the Bypass or internal communal courtyards, which are not deemed of such quality to be deemed 'significant amenities'.



**Figure 6: Extract of Block 1A,1B,1C (Zone 1) Plan at First Floor (Drawing No. DD-GRID-01-01-DR-A-PL101; Rev. PL01) showing two examples of single aspect north facing units.**



**Figure 7: Extract of Block 2A,2B,2C (Zone 2) Plan at Third Floor (Drawing No. DD-GRID-02-03-DR-A-PL123, Rev. PL01) showing examples of single aspect north facing units. It is noted that as shown on the index map, the floor plan is shifted and north is to the left hand side of the image.**

The Planning Authority is of the opinion that a number of units within the proposed development are not capable of providing satisfactory levels of residential amenity.

#### Floor to Ceiling Heights

Section 12.3.5.6 requires a minimum of 2.7m of floor-to-ceiling at ground level.

The HQA states that all ground level apartments achieve or exceed 2.7m floor to ceiling height. This is considered consistent with the Development Plan.

#### Lift and Stair Cores

The development Plan 2022-2028 also establishes a maximum of 12 apartments per floor per core. According to the HQA, the proposed scheme is compliant as all blocks have 12 or less dwellings per block. From a review of the plans, the Planning Authority is satisfied that that would appear to be the case.

### Internal Storage

Section 12.3.5.3 of the Development Plan sets out the internal storage standards for apartments, which are detailed in Table 12.3 and are consistent with those in the Apartment Guidelines 2020.

One bedroom	3 sq m
Two bedrooms (3 persons)	5 sq m
Two bedrooms (4 persons)	6 sq m
Three bedrooms	9 sq m

It is noted that the Apartment Guidelines 2020 also establish a minimum of 3 sqm of storage space for studios.

On the basis of the Housing Quality Assessment submitted it appears that the above requirements for internal storage are met.

### External Storage

Section 12.3.5.3 of the Development Plan sets out that Apartment schemes should provide external storage for bulky items outside individual units (i.e. at ground or basement level), in addition to the minimum apartment storage requirements. No external storage for apartment residents appears to have been provided as part of the subject scheme. Whilst it is noted that no minimum standard is set in the Development Plan the external storage provided cannot be reasonably deemed to deliver on the requirement of the Development Plan. External storage spaces are commonplace in many countries in continental Europe with a stronger tradition of apartment living and are indeed very popular and appreciated as a solution for storing bulky items and/or certain units that are only used seasonally/occasionally, thereby allowing for internal space in the apartment to be freed up, enhancing the residential amenity.

All storage for the apartment units is provided within the units themselves. It is noted that on many occasions the internal storage space provided is the minimum required by the Guidelines. In those particular circumstances it is considered that provision of external storage for bulky items is particularly relevant. The scheme as applied for is not deemed to comply with the storage requirements of section 12.3.5.3 of the Development Plan. .

### Private open space

The minimum private open space standards for apartment developments are included in Table 12.11 of the Development Plan. Those minimum areas are in line with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020.

Studio	4 sq m
One bedroom	5 sq m
Two bedrooms (3 persons)	6 sq m
Two bedrooms (4 persons)	7 sq m
Three bedrooms	9 sq m

Having regard to the HQA, it appears that the subject scheme complies with the standards of private open space. Private amenity space is provided in the form of balconies; patio spaces within the courtyards at ground floor level; and roof terraces.



Having regard to the Microclimatic Wind Analysis and Pedestrian Comfort submitted by the Applicant it is considered that the private amenity space will be of sufficient quality to provide acceptable standards of amenity.

## **8.7 PUBLIC AND COMMUNAL OPEN SPACE**

### **Public Open Space**

Section 12.8.3.1 of the Development Plan establishes that all residential schemes must provide a minimum provision of public open space in accordance with Table 12.8, which has regard to the content of the Section 28 Guidelines 'Sustainable Residential Development in Urban Areas' (2009). The provisions of Policy Objective OSR5 are also noted.

The minimum public open space standard, as per Table 12.8, for residential development in the existing built up area is 15% of the site area. For the purposes of the subject development that would result in a minimum requirement of c.0.525 ha (5,250 sq m).

Public open space is defined in the Development Plan as: an area '*designed and located to be publicly accessible and useable by all in the County; generally free from attenuation measures; and capable of being taken in charge*'.

The proposed development comprises, according to the Applicant, 5,326 sq m of public usable open space, with an additional 1262 sqm of transitional public space. The provision of public open space takes the form of a series of spaces between each of the block zones, connected by a shared pedestrian and cyclists' north-south route that ends at a park to the rear of the Holy Cross Church. The Planning Authority has very serious reservations regarding the calculation of the public open space areas. It appears that for the public open space calculation the Applicant has included all the space between the buildings, including, inter alia, circulation areas; bicycle parking; private open space and defensible space for ground floor units; ventilation for undercroft areas; and the stairs and lift proposed to the south to connect the subject site with Ballinteer Road.

It is noted, as mentioned before that the north south route, comprises the space between the back of the blocks addressing Main Street and the boundary with the internal communal courtyards. It is considered that the route, which is designed will work as a shared space for pedestrians and cyclists – with a number of residents' cycle storage spaces accessible directly from that route – will experience substantial movement along that route within a constrained space and as such it is considered that its primary function will be as a circulation area, primarily from residents, in its entirety. Therefore, it is not deemed to have any potential at any point to provide high quality open space and act as an amenity destination.

Furthermore, there are also significant concerns around the usability and the ability to provide adequate levels of amenity of the public open space areas. The east side of 'Usher Place' between Blocks 1 and 2 is deemed to be primarily a circulation area, and only the area to the west is deemed to have the potential to provide satisfactory levels of amenity. Similarly, 'Sweetmount Place' will have a limited potential for amenity as it also forms part of an area of circulation. It is considered that 'Sweetmount Place' has the potential to act as a civic space, given the connection between Main Street and the proposed bridge linking the site with Sweetmount Park to the west. However, on its current dimensions, it is not considered to have the potential to provide adequate levels of amenity.

'Glenville Terrace' predominantly comprises the spaces to the sides of Glenville Terrace, which due to their limited width and characteristics are not deemed to have the potential to provide a sufficient level of amenity and function as good quality public open space.

'Church Square' is deemed by the Applicant as the primary open space in the proposed development with the intention to function as a public park. As already flagged before, it appears that in calculating the area of 2,303 sq m areas to the side of Block 4 or immediately to the rear of the Holy Cross Church have been included, in addition to the proposed stairs and lift linking the subject site with Ballinteer Road and Phase one of the redevelopment of the Dundrum Shopping Centre lands. Regard is had to the change in levels within the park, due to the site's topography, which limits its potential for amenity.

Other issues arising relevant to 'Church Park' relate to its location, which is not deemed to be an appropriate setting/location for a public space. We would feel the ambitions to deliver a public space as described would be compromised by the restricted access, limited permeability and low levels of passive surveillance, as it will only be overlooked from Block 4A to the north. Block 4A is the only one providing an active frontage to the park. The other three sides comprise the bypass, which currently has no activity other than vehicular movement, and a service access route, a 5-meter-high wall to Ballinteer Road and the rear boundary of the church, which will have limited activation. Regard is also had to the provision of surface water attenuation storage, in addition to the car parking and plant proposed at lower ground floor level underneath the proposed public park, all of which may severely limit the amount of greenery that can be provided. Regard is had to Section 12.8.2 which states that, inter alia, underground flood attenuation tanks will not be considered as part of any open space provision.

As noted in the report from DLR's Architects Section the secluded nature of the space, lack of passive surveillance and challenging access routes, particularly to the south end could lead to occurrences of anti-social behaviour and a feeling of insecurity within the space. It is the planning Authority's opinion that a high quality public open space particularly at this strategic location and having regard to the lack of quality spaces in the wider area requires better connection with its surrounding and preferably Main Street, requires better accessibility and permeability and greater passive surveillance. It is not considered that the public open spaces as proposed are of sufficient quality in order to be considered as amenity destinations for the wider community.

The Planning Authority is not satisfied with the public open space provision as part of the proposed scheme, both in terms of quantity as it is considered that substantial areas have been included in the calculation that do not comprise high quality usable space, but also in terms of the quality of spaces proposed, and in particular the primary space 'Church Park'. As noted in the report from the Parks Section, the Development Plan 2022-2028 in section 12.8.3.1 allows for the payment of a contribution in lieu when the provision of public open space is not in accordance with the standards. However, in this instance on the basis of the strategic location of the site and also the lack of high quality spaces in the vicinity (Sweetmount Park offers limited levels of amenity largely due to its topography), the payment of a contribution is not pertinent it is considered that a satisfactory public open space provision should be delivered as part of the redevelopment of the subject site.

It is noted that a number of third parties recommend the removal of one of the blocks facing Main Street to create public open space that would have a relationship to the proposed bridge at Sweetmount. The planning authority concurs that there is significant merit in these suggestions, but would caution against requiring this by way of condition, as a strategic reorientation of the design approach would require consequent amendments, not least to the buildings that would now face this space. The planning authority would nonetheless urge consideration of this approach in any redesign of the scheme.

### Communal Open Space

As established by Section 12.8.3.2 of the Development Plan 2022-2028, communal open space must also be provided for apartments, in accordance with the minimum standards set out in Table 12.9 in accordance with the standards in the 'Sustainable Urban Housing, Design Standards for New Apartments' Section 28 Guidelines, (2020).

Studio	4 sq m
One bedroom	5 sq m
Two bedrooms (3 persons)	6 sq m
Two Bedrooms (4 persons)	7 sq m
Three bedrooms	9 sq m

Considering the unit mix of the proposed apartment development, that results in a communal open space requirement of 5,574 sq m (c.0.57 ha). The proposed development comprises 5,574 sqm of communal open space distributed in 3 no. courtyards at ground floor level and podium level and 3 No. roof terraces. The communal open space provision meets the minimum requirement by the Development Plan. There is a restriction provided by section 12.8.5.4 of the Development Plan limiting to 30% the communal open space to be provided by way of roof garden. The subject proposal provides 35 % of the communal space at roof terraces, thus breaching the limit set by the County Development Plan. The reason for setting such limit in the Development Plan lies in the principle that roof terraces do not provide the same level of amenity as communal space at ground level, particularly for children. Save for the issue raised regarding the excess of communal open space located at roof level, the Planning Authority is generally satisfied that the communal open space, particularly on the courtyards at ground floor level are adequately sized in order to provide good levels of amenity. It is, notwithstanding noted that all communal space is located above basement/lower ground floor level, which limits the quality of vegetation to be provided, particularly in terms of provide good sized trees and the associated benefits they bring both in terms of mental health but also in terms of ecological and microclimate benefits. It is considered as per the requirements of section 12.8.5.4 of the Development Plan 2022-2028 communal space at ground floor level should be expanded to meet the established standards.

## 8.8 URBAN DESIGN

Matters related to Urban Design are set out in the report of the Architects Department, which is included in the appendices, but also replicated here in its entirety for clarity on these issues. The planning authority concur with the Architects Department on these issues.

### **Building Design to Main Street, east side of development:**

*The design statement references the urban grain of Dundrum's Main Street. It would be our opinion that the development proposed along Main Street does not respond to or reflect the urban grain of Main Street.*

*The lack of modulation in the blocks, the flatness of the elevations, lack of smaller scaled detailing and the large scale of the horizontal plinth like base detail results in the creation of four large scale blocks. We feel that the massing of these blocks does not acknowledge the existing urban pattern, would dominate Main Street and its existing buildings and would completely change the character of the receiving environment.*

*We feel the lack of modulation in the roof lines and the consistent 5 storey building height along Main Street is excessive for this environment. The design statement's height strategy sets out an aim of developing blocks along Main Street of a similar height to the existing. Similar height is defined as 1-2 storeys above existing. The predominant existing building height along this part of Main Street is 2 storeys.*

*We would have concerns that the largescale shop front openings all set within a continuous plinth like base would not deliver a varied or pedestrian scaled streetscape. We feel the proposed ground level frontages and darker brick plinth could appear generic and would*

*not contribute to the finer grain of the existing shop fronts as acknowledged in the design statement.*

*Although breaks are proposed between the blocks, the verified views suggest that when viewed along the street the homogenous nature of the blocks produces the effect of a monolithic face to the new development which overwhelms the existing streetscape.*

#### **Building Design, West side of development.**

*We would have a number of concerns regarding the presentation of the development to the western boundary and the bypass.*

*Although a new pedestrian bridge is proposed it would be our opinion that the size and scale of the proposed development and the nature of the impermeable podium along the western edge of the site would further increase rather than mitigate the sense of severance between Dundrum, Main Street and the residential hinterland to the west.*

*Although it is proposed to create breaks between the blocks and setback features within the blocks, we feel that the proportion of solid buildings to voids and the scale and massing of the proposed blocks will lead to a monolithic wall to the western side of the development. The visual effect of the breaks and setbacks will be lost when the development is viewed at an angle or when moving past the development.*

*We would believe that the quantity and the large-scale nature of the slab blocks running continuously along the western boundary will have an imposing impact on the Sweetmount area, will dominate the approach to the village from the north and the west and will dominate all views towards the development from the west.*

#### **Point Block**

*The development proposes to deliver a point block, marker building at the north end of the site. We would feel that the proportions of the proposed block and the fact that block 1A is embedded within the adjoining blocks would not deliver a distinctive landmark building as envisioned by the design statement. We would not consider that Block 1a is a single outstanding building which is significantly taller or of a more notable design than its neighbours.*

*We feel the transition from point block to Main Street has not been fully resolved. The proximity of the 13-storey transitional wing to Main Street is inappropriate for the Main Street environment. The presence of the point block and the 13-storey transitional block in their present form would negatively dominate the north end of Main Street and would dominate all views north along Main Street.*

#### **Hierarchy of Public Spaces**

*Several circulation routes are proposed through the development. With the exception of the east-west route to the proposed bridge linking Main Street to Sweetmount these routes mainly serve the residential blocks and in the hierarchy of spaces around the development we would feel they are secondary to Main Street. It would be our opinion that allowing the surface treatments of these internal routes to encroach out onto Main Street confuses this hierarchy and projects on to these internal links an importance which is not appropriate.*

*In the interest of maintaining a cohesive appearance to the public realm along Main Street any upgrades of the footpath finishes, public lighting or street furniture must be agreed with the Local Authority to ensure a consistent appearance of the public realm throughout the village.*

#### **Sweetmount Place.**

*A series of landscaped open spaces are proposed along Main Street. As Sweetmount Place is the junction of Main Street and the proposed east-west pedestrian and cycle route we*

would consider it a significant nodal point along Main Street which should be clearly identifiable. We feel it should have a greater significance and be more distinctive than the other spaces proposed.

We would be concerned that the layout of the proposed landscaping of Sweetmount Place obscures the view of the bridge from Main Street and vice versa and reduces the legibility of this route.

#### **Nature of the Public space, Church SQ**

The development includes a proposal to provide a public open space called "Church Square" in the south west corner of the site. It would be our opinion that this would not be an appropriate setting/location for a public space. We would feel the ambitions to deliver a public space as described would be compromised by the restricted access, limited permeability and low levels of passive surveillance.

The space is bounded by only one truly activate building frontage. The other three sides are bounded by, the bypass and a service access route, a 5-meter-high wall to Ballinteer Road and the rear boundary of the church which will have limited activation. The secluded nature of the space, lack of passive surveillance and challenging access routes, particularly to the south end could lead to occurrences of anti-social behaviour and a feeling of insecurity within the space.

We would feel a successful public open space as described requires better connection with its surrounding and preferably Main Street, requires better accessibility and permeability and greater passive surveillance.

#### **Public realm, Foot path Build outs.**

The landscape proposal shows the inclusion into the scheme of the recently constructed footpath buildouts along Main Street and their transformation into large planted beds. We would note that these buildouts are subject to future change/modification/removal.

#### **Sweetmount Bridge.**

In order not to compete with the large Luas bridge the developer is proposing to construct a low-profile bridge with lighting incorporated into the handrails. We would have concerns about the pedestrian experience of crossing this bridge particularly during darker periods when only the bridge deck would be lit and persons using the bridge are reliant on lighting from road lighting columns on the bypass for higher eye level lighting.

### **8.9 LAYOUT**

The subject proposal would provide a line of buildings along the north, east and west boundaries addressing Main Street and the Dundrum bypass. This follows the perimeter block approach which essentially seeks to develop the outer edges addressing the public road(s) and leave the internal space between the buildings for open communal/public space. That design approach is welcomed in this instance as it is considered appropriate in broad terms for the development of an urban quarter at an accessible location.

Spaces between the blocks are proposed to facilitate public access to the internal areas which are envisaged by the Applicant as a shared pedestrian and cyclists route linking Main street to the north east with Ballinteer Road to the south and thus connecting with the Dundrum Town Centre (Phase 1). Due to the characteristic of that north south route, which include inter alia, the fact that it does not appear to follow any direct desire line from the Dundrum LUAS stop, and the lack of any active uses for the wider public towards the centre of the block, it is envisaged that the north south route will be primarily used by residents to move in/out of the subject scheme. A second transversal axis of movement is proposed in an east west direction linking Sweetmount Park via the proposed bridge with Main Street.

The quality and quantity of public and communal open spaces has already been considered in detail against the parameters established by the Development Plan in the previous section of the report and found that particularly the public open space provision is unsatisfactory given the strategic relevance of the site both in terms of size and location.

The principle of connecting the scheme with the Phase 1 development to the south is welcomed, including the provision of a crossing point at Ballinteer Road, immediately after the bridge. There are, however, some concerns in relation to the provision of a lift, not with the provision of a lift itself as it is noted that it will assist members of the public who cannot use the stairs, but associated with the management of the lift; its availability in a 24/7 fashion; and also considerations around the prevention of antisocial behaviour. No details in relation to those matters appear to have been provided and should be satisfactorily addressed in order for that element of the proposal to be acceptable to the Planning Authority.

The proposed layout results in the subject proposal effectively turning its back onto the Bypass as primarily vehicular accesses and servicing activities associated with the management of the scheme are proposed along the west boundary. Not only there is a concerning lack of any type of active use along the bypass but also as discussed previously, contrary to the requirements of SLO 124 no permeability is proposed from the Bypass linking with Main Street.

It is noted that the existing shopping centre developed on Phase 1 to the south of the site, already provides a very poor interface with the bypass with the provision of planting as the only element to soften the streetscape. However, the Planning Authority is of the opinion that the redevelopment of Phase 2 lands should not persist on that approach of underutilising the Bypass but should make a positive contribution to activating and enhancing the public realm along the west side. It is of particular relevance on that context the imminent plans from the National Transport Authority to deliver a bus stop and standing facility associated with the new Dundrum transport interchange on the north west side of the Bypass (c.15m south of the junction between Main Street and Dundrum Bypass), works are to be carried out by DLRCC on behalf of the NTA and are expected to be completed by September (2022). The need to concentrate vehicular access to the development from the Bypass to avoid any access points to Main Street is noted. However, it is considered that there are still opportunities for a better activation of the Bypass, primarily for pedestrians. The provision of part of the new bus interchange on the Bypass is considered to be an opportunity to activate at least part of the Bypass. It is considered that the provision of a poor public realm, as per the current proposal, could disincentivise the use of the new bus stop and hence the use of public transport particularly during dark hours.

It is therefore, considered that the design of the subject scheme should be revisited in order to provide an element of activity along the Bypass with a view to improve the quality of the public realm at that location.

#### *Main Street*

As already noted before, part of Main Street forms part of the Dundrum Architectural Conservation Area as per the Development Plan 2022-2028. Policy Objective HER13 (ii) and (iii) is deemed relevant:

*'ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.*

*iii. Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.'*

Additionally, it is also deemed pertinent to consider the requirement of Policy Objective MFC3: Placemaking in our Towns and Villages

*'It is a Policy Objective of the Council to support proposals for development in towns and villages that provide for a framework for renewal where relevant and ensure the creation of a high quality public realm and sense of place. Proposals should also enhance the unique character of the County's Main streets where relevant.'*

In general terms, scale and proportion are two of the main characteristics of Main Street. Main Street is a narrow road with low rise buildings on either side. Heights do not generally exceed three stories in order to maintain the human scale and keep a relatively modest width to height ratio. As noted in the ACA Character Appraisal, an eclectic mix of architectural heritage ranging in style, heights and materiality occurs along the ACA, which exhibits a rich and detailed urban grain. The subject development along Main Street comprises essentially 5 storey buildings, raising between 19 and 20m above ground level. The proposed blocks are generally quite long, particularly Blocks 1C, 2C and 3C, which east facades range between c.44m to 62m in length. Facades have been slightly angled with indents with the intention of breaking up the massing of the blocks. Materials in the facades appear to be quite homogeneous as such no visual breaking on the massing appears to be visually evident, there also appears to be an uniformity in the colours. According to the Applicant the proposed zigzagging roof profile of the blocks is a modern interpretation of the traditional pitched roofs on Main Street.

The Planning Authority does not consider that the proposed development adequately integrates with the existing built up context along Main Street. As shown on the sections included in the Design Statement submitted, and also reflected on the verified views (particularly view 8d proposed; view 8f proposed; and view 18 proposed), the scale of development proposed on Main Street is not in keeping with the character of Main Street, the height of the blocks on many instances more than doubles the height of existing buildings across the road, resulting in an unduly imposing, dominant and oppressive presence, given the limited width of Main Street. The proposed development also fails to capture and display the fine grain and the variations in the existing streetscape. The new blocks present themselves as large monolithic blocks with a strong horizontal emphasis that adds to the bulk of the blocks. No design details have been proposed in the street facing elevations to reinterpret the level of detail and visual interest displayed on the Main Street in particular the buildings pertaining to the ACA.

Of particular relevance is the lack of adequate separations with Glenville Terrace, which would be dwarfed by Blocks 3C and 4B on either side. It is also considered that the relationship with Mulveys Pharmacy (16/17 Main Street) and 'Lisney' (No. 11 Main Street) is not adequate in the current context where those properties are kept in their current condition as they appear to be engulfed by Block 4B which appears to be entirely out of context. Furthermore, given the proximity of Block 4B to the Parochial House and the Holy Cross Church (Protected Structures) the southern edge of Block 4B should step down to 3 storeys to be more sympathetic with the height and massing of the Protected Structure. The set back proposed at fifth floor level is not deemed to be sufficient to prevent Block 4B from looking dominant over the Parochial House - largely due to the separation distance being c. 10m.

Impacts resulting from demolition of buildings within the ACA have already been discussed and should also be taken into account when considering the wider implications for Main Street of the proposed development.

Regard should also be had to the reports from the Architects section and the Conservation Officer which set out serious concerns regarding the impact on Main Street.

It is, therefore, considered, that the proposed development due to the proposed height massing, separation and design would fail to satisfactorily integrate with the receiving



environment on Main Street and would detrimentally affect the character of Main Street in general and the Dundrum Architectural Conservation Area in particular. The proposed development is deemed to be contrary to Policy Objectives HER13 and MFC3 and also fails to deliver on the requirements of SLO 9.

## **8.10 TRANSPORT, CONNECTIVITY, CAR AND BICYCLE PARKING**

### **8.10.1 Access**

Vehicular access to the proposed development will be from the Dundrum Bypass to the west of the site. 3 No. vehicular access points are proposed at this location. It is noted from the outset that the 3 vehicular access points proposed would imply 3No. separate locations where the cycle lane along the Bypass will be cut across by vehicular traffic. It is considered that the design of the site access should be revisited with a view to rationalising and reduce the number of access points.

As already noted before, the NTA has some imminent plans (to be delivered by DLRCC and available on site in September 2022) to provide a bus stop on the north west section of the Bypass, c.15m south of the junction between Main Street and the Bypass, as part of the wider project to provide a strategic transport interchange in Dundrum as part of the Busconnects Scheme. In a submission received by the NTA, it is stated that the NTA liaised with the Applicant prior to submission for the Application and the applicant was informed of the NTA's intentions. Particular details around the extent of the area that should be reserved for the provision of the NTA project were discussed. In the application submitted it is evident that the applicant has not integrated the NTA's scheme in the subject development as the proposed vehicular access point to the north would conflict with the proposed bus stop.

Alternative locations have been suggested by the Applicant for the provision of the bus stop, however, according to the NTA none of those alternatives are satisfactory as they would not assist in achieving the objectives sought around public transport provision.

Having regard to the program of works outlined by the NTA and agreed with DLRCC, the bus stop will be in place in September 2022. Thus, it will be delivered in advance of the subject development being construction, in the event that permission is granted.

The NTA has identified in the submission the bus stop as an integral part of the transport interchange at the north end of Dundrum village, which is a critical element of the new Dublin Area Bus Network.

Regard is had to Policy Objective T7: Public Transport Interchanges:

*'It is a Policy Objective to facilitate the provision of quality public transport interchanges at strategic rail, Luas stations and Core Bus Corridors within the County in accordance with national and regional guidelines in order to facilitate focussed access to multiple public transport modes and to maximize the movement of people via sustainable modes.'*

Having regard to the Applicant's contention that the bus stop as designed by the NTA cannot be integrated with the subject SHD scheme, the Planning Authority is of the opinion that permission for the subject development should not be granted as it has the potential to hamper the delivery of strategic public transport infrastructure.

The report from DLR's Transportation Section is noted.

### **8.10.2 Public Transport**

The site is less than 100m from the Dundrum Luas Stops on the Luas green line, which connects the site with, inter alia, the City Centre and Sandymount. The Green line has a



weekday frequency interval of between 3 and 5 minutes in both directions at peak time, according to Transport Infrastructure Ireland and Transport for Ireland. No information appears to have been provided in relation to existing capacity in the Luas or Dublin Bus lines serving the area. The Applicant appears to rely on future capacity enhancements both in the Luas green line and the bus network on foot of the Bus Connects scheme. Public transport capacity needs to be established on the basis of existing supply. Therefore, it is considered that information should have been provided on LUAS demand and number of passengers using the Luas at the stations in proximity to the site in order to establish capacity.

The Board should satisfy themselves that spare public transport capacity is adequately demonstrated to cater for the proposed development.

### **8.10.3 Car and Cycle Parking**

#### **Car parking**

For the purposes of establishing car parking requirements in the Development Plan 2022-2028, the County has been divided in four areas having regard to their proximity to quality public transport as well as the range and accessibility, on foot or by bicycle, of services within an area. According to Map T2 of the Development Plan the site is located in Zone 1.

According to Table 12.5 of the Development Plan, a maximum of 1 space per 1-bed; 2-bed and 3+-bed units is established. It is noted that this is a maximum provision and should not be exceeded. On that basis, a maximum of 881 No. car parking spaces should be provided for the subject development according to table 12.5 of the Development Plan

The subject scheme provides 318 No. residential spaces resulting in a ratio of 0.36 spaces/unit. The report from the Transportation Section is noted, Transportation considers the car parking provision adequate given the location characteristics of the subject site.

Considering the fact that the site is located on Parking Zone 1 and having regard to Section 12.4.5.2(i) of the Development Plan which sets out the criteria under which parking provision may be relaxed, the Planning Authority considers that on the basis of the site's proximity to public transport; and the need to safeguard investment in sustainable transport, with particular regard to the LUAS, the Busconnects scheme and the transport interchange at Dundrum, and encourage a modal shift, the Planning Authority considers the parking provision appropriate.

The Board is referred to the Transportation Planning Section Report.

As per the Transportation section report the provision and allocation of non-residential car parking across the site is noted and is considered to be in accordance with the maximum requirements outlined in the newly adopted DLRCC County Development Plan 2022-2028.

It is noted that the proposed scheme connects the proposed car park at lower ground floor level with an existing access to the Phase 1 lands car park currently existing underneath Ballinteer Road. It is considered that further details of this connection particularly around management of the access are required as the Planning Authority would not be favourably predisposed to the proposed car park being used in the future as spill-over car park of Phase 1 uses.

#### **Cycle parking**

The proposed development comprises the provision of 1,750no cycle parking spaces (1,508 No for residents and 242 No for visitor parking) , this exceeds the requirements of the DLR Standards for Cycle Parking and Associated Cycling Facilities for New

Developments, 2018, as required by Section 12.4.6 of the Development Plan. DLR standards seek the provision of 1 space per unit for long stay parking and 1 space per 5 unit for short stay. It is noted that the requirements of the 2018 Apartment Guidelines area also exceeded

Notwithstanding, the Transportation Section has raised certain concerns in relation to the, quality and accessibility of the proposed spaces as the majority of spaces appear to be 'double stacked'.

The Board is referred to the report from the Transportation Section.

### **8.11 BUILDING HEIGHT**

Policy Objective PHP42 of the 2022-2028 County Development Plan states that:

*'It is a Policy Objective to:*

- Encourage high quality design of all new development.*
- Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF).'*

It is noted from the outset that the subject site is deemed to be in a residual suburban area, as per the definition in the Building Height Strategy: 'Areas not covered by an existing or forthcoming Local Area Plan or other guidance/policy as set out in this plan and not falling into objective F, B, G or GB are termed residual suburban areas'. Given that the Dundrum Local Area Plan is only at issues paper stage and a Draft LAP has not been published, the site is deemed to fall under the category for which the consideration of Increased height is supported as per Policy Objective BHS 1:

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

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

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

The proposed development ranges in height from 3 to 16 storeys in height. Accordingly, the proposed scheme will be considered on the basis of the performance-based criteria set out in Section 5 of the Development Plan's Height Strategy, which is consistent with the criteria set out in Section 3.2 of the Urban Development and Building Height Guidelines, 2018:

As per Table 5.1 of the Building Height Strategy, in order to be acceptable, proposals for increased height must demonstrate satisfaction with a set of criteria at County; District/Neighbourhood/Street and Site/building scale level, in addition to a set of County Specific Criteria:

Criteria	Assessment
At County Level	<p>The Planning Authority is satisfied that on the basis of the proposal comprising the redevelopment of an underperforming brownfield site of substantial extension in close proximity to a public transport corridor and within the Dundrum Major Town Centre for the purposes of providing a high-density residential development, the proposal assists in securing objectives of the NPF, in terms of focusing development in key urban centres, fulfilling targets in relation to brownfield, infill development and delivering compact growth. There are, notwithstanding, concerns with regard to the mix of uses proposed which are not deemed to satisfy local, regional, and national policy requirements to provide multifunctional centres capable of providing an adequate level of services to the community they serve. Furthermore, the proposed development fails to contribute to the subject site fulfilling its role as a strategic employment location within the county.</p> <p>Section 5 of the Building Height Strategy establishes that the criteria regarding proximity to public transport does not apply to areas covered under Policy BHS3 (Building Height of Residual Suburban Areas), but is required to accord with all other requirements.</p> <p>The Applicant has submitted elevations and sections; a set of photomontages/verified views; a Landscape/Townscape Visual Impact Assessment; a Design Statement Report; showing the relationship of the subject scheme with the receiving environment. When considering impact on the receiving environment particular regard is had to impacts on Main Street, the Dundrum ACA and the Protected Structures adjoining the site to the south east. As already discussed, and concluded in the relevant sections in the report, the Planning Authority is not satisfied that the proposal successfully integrates into the character and public realm of the area, having regard to topography, cultural context and setting</p>

	<p>of key landmarks. The Planning Authority considers that the proposal fails to integrate with the Dundrum Architectural Conservation Area and will be detrimental for its character. The proposed development is not deemed to be in keeping with the character of Main Street and due to, inter alia, the size and massing of the Blocks proposed addressing Main Street will have a negative impact on its character. It is also considered that the proposal could negatively impact on the Parochial House and the Holy Cross Church (Protected Structures) due to the provision of a 5 storey block (with the last storey set back) c. 10m from the Protected Structure. The proposed development is not deemed to make a positive contribution to the streetscape along the Dundrum Bypass.</p>
	<p>While in general terms the proposal is expected to affect the views from certain properties in the vicinity of the Dublin Mountains in the background, it is considered that a similar effect could occur with any development that seeks to redevelop the subject site. However, it is considered that the proposed development will materially affect the views of the Dundrum ACA due to the proposed interventions that will be detrimental to its character. Also, the Planning Authority considers that the proposed height of Block 4B could negatively affect the views and the character of the Parochial House (Protected Structure) The Planning Authority is not satisfied that the proposal does not adversely affect the skyline, or detract from key elements within the view whether in foreground, middle ground or background.</p>
	<p>The site is located on lands identified as Tier 1 in the Core Strategy of the County Development Plan 2022-2028, therefore being lands that are serviced, and part of the built-up footprint of an area. Regard is also had to the report from the Transport and Drainage Departments and also to the submission from Irish Water dated 5<sup>th</sup> May 2022 where IW state that they have no objection to the design of the water and wastewater infrastructure. The Planning Authority is therefore, satisfied that there is sufficient infrastructural carrying capacity in the area as set out in Core Strategy of the Development Plan 2022-</p>

	2028, to cater for the proposed development.
At District/Neighbourhood/Street Level	<p>The Applicant has submitted an Architectural Design Report, which sets out in the Appendix how the proposal complies with the 12 criteria detailed in the Urban Design Manual accompanying the, 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities' 2009. The Planning Authority considers that the subject proposal fails to deliver on the requirements of a number of the criteria of the design Manual:</p> <ul style="list-style-type: none"> <li>• Context: as previously noted the Planning Authority does not consider that the proposal comprises a satisfactory response to the receiving environment on Main Street. The subject proposal both on the basis of the demolition works but also for the proposed new buildings will have a negative effect on the character of the Dundrum Architectural Conservation Area and the Parochial House (PS). The proposed height along the Dundrum Bypass is also not deemed to be cognisant of the width and topography of the Bypass and the average height of 12 storeys proposed along the bypass will have an oppressing and dominant effect both on the Bypass, which will have a tunnel type of feeling on the ground (proposed views 5, 24a, 24b, and 24c refer).</li> <li>• Connections: Whilst proposed connections with lands to the west, across the Bypass and also with Phase 1 lands to the south is welcomed, the proposal fails to provide satisfactory connections/permeability between the Bypass and Main Street, contrary to SLO 124.</li> <li>• Inclusivity: as previously noted a visual (and physical) barrier in the form of no permeability between the Bypass and Main Street for members of the public.</li> <li>• The proposed mix of uses is not considered to be adequate having regard to the Major Town Centre Location and the need to provide</li> </ul>

	<p>vibrant multifunctional centres, in line with the zoning objective and SLO 8. No community/civic centre is provided contrary to SLO 114. Despite the site being part of a strategic employment location no employment intensive uses are proposed.</p> <ul style="list-style-type: none"> <li>• Distinctive: due to the already referred negative impacts on the Dundrum ACA and Main Street, the proposed development is not deemed to be a positive contribution to the identity of the locality.</li> <li>• Layout: concerns associated with the layout have been discussed in detail at the relevant section, these concerns relate inter alia with the quantity and quality of open spaces proposed, the lack of east west permeability between Main Street and the Bypass and the poor quality of the resulting public realm along the Bypass.</li> <li>• Public Realm: The proposal is deemed to create a very poor streetscape and public realm on Main Street and also on the Bypass. The quality of the public open spaces proposed is not considered to be satisfactory.</li> <li>• Privacy and amenity: Concerns have been raised regarding the significant level of overlooking resulting from the proximity between directly opposing or almost directly opposing windows at various levels. Concerns also arise in terms of the provision of dual aspect units and single aspect north facing units. Issues have also been discussed in the report around the quality of open spaces proposed. Those issues are considered to result in the proposal providing unsatisfactory levels of residential amenity.</li> <li>• Detailed Design: as already noted the detailed design of the blocks, particularly along Main Street is not deemed to be of sufficient quality to adequately integrate with the receiving environment. Location and extent of public open spaces is not deemed to be capable to provide sufficient levels of amenity.</li> </ul>
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	<p>Having regard to the extensive areas of basement/lower ground level some reservations arise in relation to whether a sufficient provision of vents is shown on the submitted plans.</p> <p>Accordingly, the Planning Authority is not satisfied that the proposed development is compliant with the Urban Design Manual, 2009 and does not consider that the proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.</p> <p>Long uninterrupted blocks between 44 and 62m long are proposed on Main Street, which strike a significantly discordant note in the context of the small scaled receiving environment. The size and massing of the blocks addressing the Bypass is also significant having regard to the width and topography of the Bypass. The Planning Authority is not satisfied that the proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks. Considerations regarding the 16 storey block are set out at the Urban Design section in the report, on the basis of the commentary from DLR's Architects Section, in summary it is considered that the proposed position of this landmark element is too close to Main Street and would be visually detrimental</p> <p>The proposed finishes of the subject apartment blocks comprise primarily brickwork, and glass. However, particularly the facades addressing Main Street lack of the necessary variation in colours, textures and design details of visual interest to comprise an adequate response to the existing context. The Planning Authority is not satisfied that the proposal shows the use of high quality, well considered materials.</p> <p>On the basis of the issues already discussed in relation to the unsatisfactory quality of the open spaces proposed and in particular the 'Church Park' proposed to the south of the site and the negative impacts anticipated on Main Street and the Dundrum ACA, the Planning Authority is not satisfied that the proposal enhances</p>
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	<p>the urban design context for public spaces and key thoroughfares.</p> <p>Whilst the proposal makes positive contributions to the area such as the provision of an east west route connecting Main Street with Sweetmount Park and lands to the west of the Bypass; and also the provision of a landmark building, which is deemed to have positive effects in terms of wayfinding and legibility, having regard to considerations raised in relation to the previous criterion, and also other issues noted in the report, particularly around the quality of the open space network, the Planning Authority is not satisfied that the proposal makes a positive contribution to the improvement of legibility through the site or wider urban area. On the basis of concerns around Main Street and the Bypass, the Planning Authority is not satisfied that where the building meets the street, the public realm is improved.</p> <p>As previously noted, the Planning Authority does not consider that the mix of uses proposed is adequate having regard the site's Major town Centre zoning.</p> <p>While the Dundrum area has been recently subject to a high level of planning activity, associated primarily with a high number of apartment developments permitted and other substantial apartment schemes in the pipeline, there is still a large amount of traditional suburban housing stock, among the more contemporary higher density development. From that perspective, the provision of a residential development eminently comprising apartments is welcomed and deemed to make a positive contribution to the mix of uses and or building/dwelling typology in the area. It is noted, however, for completeness, that as already mentioned previously the Planning Authority has concerns in terms of unit mix proposed, in particular with regard to the lack of larger units proposed, and also the excessive number of 1-bedroom units.</p> <p>On the basis of the already stated concerns regarding the implications on Main Street and the Bypass, the Planning Authority is not satisfied that the proposal provides an appropriate level of enclosure of streets or spaces.</p>
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	<p>As previously noted, the Planning Authority considers that the scale and height of the proposed development is not adequate having regard the existing physical characteristics of Main Street; the Bypass; and the Dundrum ACA; and also the proximity to a Protected Structure, The Planning Authority is not satisfied that the proposal is of an urban grain that allows meaningful human contact between all levels of buildings and the street or spaces.</p> <p>On the basis of considerations already discussed about Main Street, the ACA and the Dundrum Bypass, the Planning Authority is not satisfied that the proposed scheme makes a positive contribution to the character and identity of the neighbourhood.</p> <p>The proposal is not deemed to materially affect the amenity of existing properties in the vicinity – with the exception of No.s 16/17 Main Street and 'Lisney' about which concerns have been already raised. However, the proposed development is not deemed to be respectful with the existing building form located along Main Street. Accordingly, the Planning Authority is, therefore, not satisfied that the proposed development respects the form of buildings and landscape around the site's edges and is satisfied that the proposed development respects the amenity enjoyed by neighbouring properties.</p>
At site/building scale	<p>As noted before, the Applicant has submitted various daylight, sunlight and overshadowing studies which assess the daylight and sunlight enjoyed by the internal and the external amenity spaces proposed. The Building Height Strategy of the development Plan establishes the BRE guidance "Site Layout Planning for Daylight and Sunlight" (2nd Edition) as the relevant guidance document for the purposes of assessing performance in this regard.</p> <p>As concluded in the relevant section of the report, it is considered that the subject scheme is generally in accordance with the BRE guidelines. The Planning Authority is satisfied that the proposed design maximises access to natural daylight and minimises overshadowing. However, concerns arise in relation to the provision of dual aspect units and single aspect north</p>

	facing units which would result in access to inadequate levels of ventilation and views.
	As previously noted, the Planning Authority is satisfied that the proposed development complies with quantitative performance standards on daylight and sunlight as set out in BRE guidance "Site Layout Planning for Daylight and Sunlight" (2nd Edition).
	Issues in relation to overlooking have also been considered previously in the report and concluded that the subject proposal is deemed to give rise to a significant level of overlooking between the proposed units. Concerns in relation to overbearing impacts on Main Street have also been raised. The Planning Authority is, therefore, not satisfied that the proposal will cause no significant adverse impact on adjoining properties by way of overlooking overbearing and/or overshadowing.
	<p>The Planning Authority is not satisfied that the proposal and in particular block 4B, having regard to the proposed height, massing and separation distance will not negatively impact on the character of the Parochial House (Protected Structure).</p> <p>The Planning authority is also of the opinion that the proposed development would negatively impact on the Dundrum Architectural Conservation Area.</p>
	The Applicant has submitted an Energy and Sustainability Report and a Building Lifecycle Report, which are noted. The Planning Authority is satisfied that the proposal has demonstrated regard to the relative energy cost and expected embodied and operational carbon emissions over the lifetime of the development. The Planning Authority is satisfied the proposed development is capable of complying with Part L of the Building Regulations and therefore, has demonstrated maximum energy efficiency to align with climate policy.

On foot of the above assessment the Planning Authority considers that the proposed development and in particular the proposed heights does not satisfy the required criteria as set out in Table 5.1 and is, therefore, contrary to Policy Objective PHP42 and the Height Strategy of the County Development Plan 2022-2028.

In addition to assessment of building height under the County Development Plan, the planning authority is obliged under Section 28(1C) of the Planning Act to consider SPPR3 of the Urban Development and Building Height Guidelines (2018), and to comply, where necessary. SPPR 3 allows for the planning authority to consider approving development "even where specific objectives of the relevant development plan or local area plan may indicate otherwise". It is considered that there are no specific objectives of the County Development Plan which would indicate an assessment or conclusion on the issue of height that would run contrary to an assessment or conclusion undertaken on foot of the Urban Development and Building Height Guidelines. As such, the Planning Authority's position on the issue of height is based on the assessment above. It is noted that the criteria under the guidelines are substantively replicated in the County Development Plan

## 8.12 SURFACE WATER DRAINAGE AND FLOOD RISK.

It should be noted at the outset that the area in the vicinity of the subject site, and indeed the subject site itself is prone to flooding associated with the River Slang catchment, with documented instances as recently as Summer 2021. The area around the site's northwest boundary is particularly vulnerable. As such, this is very much a live issue rather than a matter of modelled risk.

In relation to Flood Risk Management, Policy Objective EI22 states that:

*'It is a Policy Objective to support, in cooperation with the OPW, the implementation of the EU Flood Risk Directive (2001/60/EC) on the assessment and management of flood risks, the Flood Risk Regulations (SI No 122 of 2010) and the Department of the Environment, Heritage and Local Government and the Office of Public Works Guidelines on 'The Planning System and Flood Risk Management' (2009) and relevant outputs of the Eastern District Catchment and Flood Risk Assessment and Management Study (ECFRAMS Study). **Implementation of the above shall be via the policies and objectives, and all measures to mitigate identified flood risk, including those recommended under part 3 (flood risk considerations) of the Justification Tests, in the Strategic Flood Risk Assessment set out in Appendix 15 of this Plan.**' [emphasis added.]*

Subsection 5.8.2 within Section 5, Development Management and Flood Risk, of the Strategic Flood Risk Assessment set out in appendix 15 of the Development Plan 2022-2028 states that: *'Where conveyance is the dominant function of the floodplain then a hydraulic model will be required to show the impact of its alteration and to provide design parameters for the provision of direct or indirect compensation.'* It is also noted that Section 1.5 of Appendix B of The Planning System and Flood Risk Management Guidelines, 2009, states in relation to the Stage 3 *'Detailed Risk Assessment'* that *'This will typically involve use of an existing or construction of a hydraulic model of the river or coastal cell across an wide enough area to appreciate the catchment wide impacts and hydrological processes involved.'*

It is noted from the outset that the conveyancing function of the floodplain on site has been already established by the existing integrated catchment model carried out to inform the updated Flood Zone Maps in the Development Plan 2022-2028.

The Applicant states in the documentation submitted that they have not been able to obtain from the Office of Public Works the Dundrum Integrated Catchment Model. It is however, not OPW policy to release the models to third parties. It is noted in this regard that no applicants receive a hydraulic model from the OPW to prepare their SSFRA, it is standard practice for applicants of significant developments adjacent to watercourses to prepare their own independent hydraulic model. As stated by DLR's Drainage section, the applicant's consultants had the advantage of the results of the Dundrum Integrated Catchment Model and could have used this to help calibrate their own model.

It is deemed relevant to note the provisions of Section 12.9.6 of the County Development Plan, which states that: *'the Planning Authority **will only permit development when satisfied that new and existing developments are not exposed to increased risk of flooding and that any loss of flood storage is compensated for elsewhere in the catchment.** Where required, a site-specific Flood Risk Assessment and Management Plan, shall be prepared for the site. This shall be carried out by appropriately qualified engineers with significant experience in flood modelling and mapping.'* [Emphasis added.]

It is therefore considered that given that no hydraulic model has been submitted the proposed development does not meet the requirements of the Strategic Flood Risk Assessment and Policy objective EI22 of the County Development Plan 2022-2028.

The Site-Specific Flood Risk Assessment undertaken by the Applicant includes an independent review by JBA Consulting. In their review JBA does recommend in Section 1.3 that the main Consultants for the scheme, TJOC, should consider 'detailed modelling'. No such detailed modelling has been carried out by TJOC as part of their assessment. The lack of their own hydraulic model to inform and support the measures proposed is identified as an issue of grave concern for DLR's Drainage Section as no information is available, inter alia in relation to the impacts this development may have on third party properties, as the development itself will take priority when it comes to flood protection.

The drainage Section has also raised significant concerns with regards to the Applicant's reliance on a 17 year old UK guidance model rather than the Flood Risk to life mapping Included in Appendix 13 of the DLR Development Plan 2016-2022 on the basis that that study has been superseded by the more recent Dundrum Slang Integrated Catchment Study. However, DLR's Drainage Section notes that The consultants for the Integrate Catchment Model were not tasked with preparing Flood Risk to Life Maps thus the current maps are considered to be still valid and cognisance needs to be taken of them.

JBA Consultants in Section 2.3 of their report do state that "risk to life is discussed but due to the absence of hydraulic modelling, it cannot be fully quantified in the post development condition". The fact that no clear and reliable information is available with regards to risk to life is a matter of serious concerns for the Planning Authority, particularly in a context whereby, as per the report from the Drainage Section, the Applicant is proposing a novel approach to compensatory storage that does not appear to have been tested previously in Ireland. The Planning Authority has very serious reservations about a Flood Management Strategy based on an untested approach that does not have the benefit of a robust hydraulic model to support it. **In the absence of satisfactory and robust evidence regarding flooding risk the proposed development is deemed to materially contravene the requirements of Section 12.9.6 of the County Development Plan 2022-2028.**

It is noted that the Drainage section states that the conditioning of the preparation of a detailed hydraulic model is inappropriate as the results could require the applicant to undertake significant and substantial redesign of the entire scheme, impacting significantly on all disciplines designs and requiring a complete reassessment of the proposal. Therefore, Drainage Planning considers these flooding issues as substantial and not capable of being addressed via Condition.

The Board is referred to the report from the Drainage Section which details all the concerns arising with the Applicant's proposal for flood risk management. The Board is also referred to the Drainage Section's report for commentary on the drainage system design. DLR's drainage section notes that the Engineering Services Report and accompanying drainage drawings are severely lacking in the level of detail expected and required to give a scheme of this scale adequate assessment.

### **8.13 PART V/SOCIAL HOUSING**

As per the report from the Housing Section the on-site provision of 88 residential units on site, comprising; 46 x 1-bedroom units, 37 x 2-bedroom units and 5 x 3-bedroom units, has the potential to comply with the requirements of Part V of the Planning and Development Act 2000 as amended, the County Development Plan and the Housing Strategy 2022-2028, subject to agreement being reached on land values and development costs and funding being available.

Should permission be granted, prior to commencement of development, the Applicant should provide clarity regarding the date of acquisition of the subject lands to ascertain whether the requirements of the Affordable Housing Act, which, establishes and increased 20% 'Part V' obligation for sites acquired prior to 1st September 2015 are relevant.

### **8.14 CHILDCARE AND COMMUNITY FACILITIES**

According to the apartment guidelines, studios and 1-bed units should not be considered for the purposes of calculating childcare demand generated by the proposed development. On that basis, the proposed development, which provides 545 No. 2 and 3 bedroom units is above the 75 units threshold set by the Childcare Facilities Guidelines, 2001 to trigger the requirement for a childcare facility to be provided. Accordingly, as per the Childcare Guidelines, a facility with 20 spaces every 75 units should be provided. On that basis, a childcare facility with capacity for 145 No. children should be provided. The Applicant is proposing a facility of 523.1 sq m, which according to the Applicant should be capable of meeting the needs of the proposed development. According to the Childcare Guidelines, it appears that the childcare facility is adequately sized to cater for the potential demand generated by the proposed development.

No community facility is proposed as part of the proposed development despite this issue being identified as a significant issue for the area in the Dundrum Community Cultural and Civic Action Plan and the requirements of SLO 114. As already discussed previously the fact that the proposed development does not address the need for a new community facility is deemed as contrary to Development Plan policy and also a significant missed opportunity that could be detrimental for the Dundrum town Centre and the wider community.

### **8.15 PHASING**

In the event that permission is granted details around construction phasing should be agreed with the Planning Authority having regard to the 8 year construction period for which permission is sought. It should be noted that the Planning Authority would seek the provision of, inter alia, public open spaces to be available from early stages

### **8.16 CONSTRUCTION MANAGEMENT AND CONSTRUCTION AND OPERATIONAL WASTE MANAGEMENT**

The applicant has submitted an Outline Construction Methodology Management Plan; a Construction and Demolition Waste Management Plan; and, an Operational Waste Management Plan.

### **8.17 BUILDING LIFE CYCLE REPORT**

The applicant has submitted a Building Life Cycle Report in accordance with Section 6.13 of the Design Standards for New Apartments. The proposed measures to effectively manage and reduce costs for the benefit of residents are noted. The use of high quality and robust materials that requires minimal on-going maintenance is welcomed. Details of the Owners' Management Company should be provided to the Planning Authority should permission be granted.

### **8.18 ECOLOGICAL IMPACTS**

The findings and recommendations contained in the ecological assessments of the EIAR are noted. It is recommended that should permission be granted a condition be attached requiring the mitigation measures set out in the EIAR are implemented in full.

### **8.19 DEVELOPMENT CONTRIBUTIONS**

The subject development, if granted, shall be subject to the Council's S.48 Development Contributions Scheme.

The proposed development is not located within an area subject to supplementary S.49 development contributions.

### **8.20 TAKING IN CHARGE**

The Applicant has submitted a drawing with a proposal for areas to be taken in charge by the Council. A taken in charge plan to be agreed with the Planning Authority should be submitted prior to commencement of development, should permission be granted.

Any areas to be taken in charge will need to comply with the Council's policy for Taking in Charge.

### **8.21 APPROPRIATE ASSESSMENT / ENVIRONMENTAL IMPACT ASSESSMENT**

The Applicant's submission of Appropriate Assessment Screening/Natura Impact Statement and Environmental Impact Assessment Report is noted.

An Bord Pleanála is the competent authority in terms of screening and assessing the development at application stage for appropriate assessment and ecological impact assessment.

## **9.0 CONCLUSIONS**

The issues expressed in the submissions received have been noted by the Planning Authority and have been taken into consideration in the assessment of the proposed development.

Having regard to the Zoning Objective 'MTC' of the site, the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the National Planning Framework, the Regional Spatial and Economic Strategy and the Section 28 Guidelines for Planning Authorities, the Planning Authority welcomes the principle of the redevelopment of this key brownfield site. However, it is considered that due to: the inadequate type and extent of non-residential uses proposed; the non-delivery upon the requirements of Specific Local Objectives for the subject site; the null contribution to the site to fulfilling its role as a strategic employment location; impacts on the Dundrum Architectural Conservation Area both in terms of demolition and also the characteristics of the new buildings proposed; impact on the character of Main Street due to, inter alia proposed heights; the substandard levels of amenity resulting from the significant degree of overlooking that would occur and the inadequate provision of public open space; the inadequate unit mix proposed; the conflict that could hinder a project by the NTA to deliver an element of a strategic transport interchange at Dundrum; and having regard to the massing, scale and form of the proposed development and associated access and boundary treatments, it is considered that the proposed development would significantly detract from the character of the surrounding area, and would not be in accordance with relevant policy and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-



2028. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

## **10. RECOMMENDATION**

It is recommended that permission be Refused for the proposed development for the following reasons:

### **1. Zoning and land use**

- a) Having regard to the proposed mix of uses and in particular the low quantum of non-residential uses proposed, the Planning Authority is not satisfied that the proposed development adequately contributes to delivering a vibrant and multifunctional Major Town Centre at Dundrum. As such, Planning Authority considers that the subject proposal is contrary to the MTC zoning objective of the site, and contrary to Policy Objectives MFC1 and RET5 of the Dun Laoghaire Rathdown County Development Plan 2022-2028. Having regard to the key role for the county's two MTC zones (Dundrum and Dun Laoghaire) in serving a wider community that in certain instances exceeds the County boundaries, and also to the strategic role that the subject site plays with the Dundrum Major Town Centre, the Planning Authority considers that the proposal could result in an underperforming Major Town Centre with substandard provision of services with negative repercussions for the wider catchment area. The proposed development is therefore contrary to the proper planning and sustainable development of the area.
- b) Dundrum Major Town Centre and in particular the subject site is identified as a key strategic urban regeneration site and a Strategic Employment Location in the Core Strategy of the Dun Laoghaire Rathdown County Development Plan 2022-2028. The subject proposal makes no provision for employment intensive uses on site. Accordingly, it is considered that the proposed development contravenes the Core Strategy of the Development Plan and is contrary to the proper planning and sustainable development of the area.
- c) The proposed development fails to provide an adequate range of complementary uses to the residential use proposed in addition to the already existing uses within the wider Dundrum Town Centre, as explicitly required by Specific Local Objective 8 of the County Development Plan, which applies to this site specifically.

### **2. Flood risk**

- a) On the basis that no hydraulic model has been submitted the proposed development does not meet the requirements of the Strategic Flood Risk Assessment and Policy Objective EI22 of the County Development Plan 2022-2028. The proposed Flood Management Strategy is based on an untested approach that does not have the benefit of a robust hydraulic model to support it, and in particular to satisfactorily determine the risk to human life associated with the subject flood management strategy. The Planning authority considers that in the absence of satisfactory and robust evidence regarding flooding risk the proposed development is deemed to materially contravene the requirements of Section 12.9.6 of the Dun Laoghaire Rathdown County Development Plan 2022-2028. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

### **3. Building design and architectural impact**

- a) The Applicant has not satisfactorily justified the extent of proposed demolition. The Planning Authority is of the opinion that the complete removal of 4 No. buildings within the boundary of the Dundrum Architectural Conservation Area, which make a positive contribution to the character of the ACA, will negatively affect the character of the ACA, contrary to Policy Objective HER13 and HER14 of the County Development Plan.
- b) The proposed new blocks addressing Main Street by reason of their height, massing, volume, design features, and urban grain would fail to take cognisance of and integrate with the character of the Dundrum ACA and also the character of Main Street in general resulting in a negative impact on the streetscape. The proposed building Heights alongside Main Street are not sensitive to the original streetscape, in keeping with its character, scale and Architectural Conservation Area status. Therefore, the proposal is deemed to be contrary to Policy HER13 and MFC3 of the 2022-2028 Dun Laoghaire Rathdown County Development Plan, as well as Specific Objective SLO 9 of the County Development Plan, which applies to this site specifically.
- c) The proposed heights for the subject scheme do not successfully integrate into the character and public realm of Main Street it also fails to respond to its overall natural and built environment and make a positive contribution to Main Street. Proposed heights would also fail to adequately enhance the public realm on the Bypass. The proposed development, therefore fails to meet the criteria set out in Table 5.1 of Appendix 5 of the Dun Laoghaire Rathdown County Development Plan 2022-2028.

### **4. Community infrastructure**

- a) The proposed development fails to address the need for the provision of a future Dundrum Community, Cultural and Civic Centre facility, which also integrates into a civic square/plaza area, as explicitly required by Specific Local Objective 114 of the County Development Plan, which applies to this site specifically.
- b) Due to the quantum and characteristics of the public open space comprising primarily narrow spaces with the primary function of providing circulation of the blocks or located in areas with limited or negligible activation and passive surveillance along their boundaries, with ground profiles that limit their usability and located above attenuation tanks. The proposal would deliver inadequate and insufficient high quality public open space, which would be hugely detrimental for the redevelopment of the subject strategic site, for Dundrum town and for the wider residential community in the area.

### **5. Quality of residential development**

- a) The unit mix of the proposed development provides for an excessive number of studios and one-bedroom units, and an insufficient number of 3-bedroom apartments. The proposed development, therefore does not provide for a unit mix that is consistent with the housing needs in the area as identified in the Housing Needs and Demand Assessment, included in Appendix 2 of the County Development Plan. The proposed development is therefore, is not consistent with the requirements of Table 12.1 and contrary to Policy Objective PHP27.
- b) With only 82 No. 3-bedroom apartments (less than 10% of the total number of units, the proposed development does not provide an acceptable mix of larger flexible units, to ensure balanced, sustainable communities in Dundrum as explicitly

required by Specific Local Objective 123 of the County Development Plan, which applies to this site specifically.


- c) The proposed development would result in an unacceptable levels of overlooking at multiple locations within the scheme resulting in very poor residential amenity for future residents. The proposed development is, therefore, contrary to the proper planning and sustainable development of the area.
- d) The application has not displayed to the satisfaction of the planning authority that the quantum of dual-aspect units within the scheme are compliant with the requirements of the County Development Plan.

## **6. Transportation and movement**

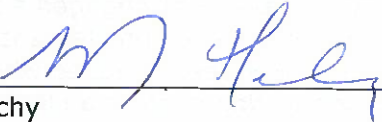
- a) The location of vehicular access to the proposed development from the Dundrum Bypass directly conflicts with the provision of a bus stop and layby facility which forms part of the future bus interchange facility identified by the National Transport Authority as a strategic element of the bus network and their policy to promote sustainable modes of transportation. The proposed development would therefore be contrary to Policy Objective T7 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and contrary to the proper planning and sustainable development of the area.
- b) The proposed development does not provide pedestrian/cycle links between Main Street and the Dundrum Bypass, which severely limits the permeability within the block and the quality of the public realm on the Bypass. As such, the proposed development is contrary to Specific Local Objective 124 of the County Development Plan, which applies to this site specifically.
- c) The proposed development provides for a poor Interface with the Dundrum Bypass, with a parallel service road and inactive frontages at ground floor level addressing the public realm. As such, the scheme represents poor placemaking along its western boundary.

## **11. SUGGESTED CONDITIONS**

Having regard to foregoing, and to Planning & Development (Housing) and Residential Tenancies Act 2016 (as amended) Section 8(5)(b)(iii)(II), the Planning Authority considers it would not be appropriate in the circumstances to specify planning conditions given that some of the recommended reasons for refusal relate to fundamental development principles and cannot be addressed via Condition.

Signed   
Miguel Sarabia  
Executive Planner

Signed   
Ger Ryan  
Senior Planner

Signed   
Mary Henchy  
Director of Planning on behalf of the Chief Executive,  
Dun Laoghaire Rathdown County Council

Date 10/6/22

## **Appendix A - Dun Laoghaire Rathdown County Council Interdepartmental Reports**

From: DLR Municipal Services,  
Drainage Planning,  
Level 3,  
County Hall.

To: DLR Planning Department  
Ger Ryan, Senior Planner  
Shane Sheehy, Senior Executive Planner  
Miguel Sarabia, Executive Planner

Re: **ABP 313220 22**

**Site Location:** site 3.5335ha incorporating the old Dundrum Shopping Centre known as Main Dundrum Street Village Centre (D14K3T7)

**Lodged:** 05/04/2022

**Drainage Planning Report Date:** 09/05/2022

**ABP due decision date:** 25/07/2022

### **Site Specific Flood Risk Assessment**

#### **Introduction**

The location of the existing Dundrum Town Centre (DTC) to the south of this site and the proposed adjacent Dundrum Village Strategic Housing Development (DV SHD) is far from ideal from a flood risk perspective given this particular area has a long history of flood events.

#### **Comments**

##### ***Significant Flood Events***

Since the opening of the DTC in 2008 the Centre has experienced two flooding incidents. The first, in October 2011, resulted in the evacuation and closure of the Centre and a more recent event in August 2021 which resulted in the closure of several retail units on a Saturday afternoon.

The 2011 flooding event was a well reported prolonged rainfall event that resulted in flooding in many locations throughout the County. In Dundrum environs, the Dundrum Slang river overtopped its bank upstream of the centre, due primarily to bridge/culvert blockages, and the overland (exceedance) flow, in addition to the heavy flows of rainwater already running down the roads in the environs, entered the DTC car parks at several locations. More seriously for the DTC was the blocking of the thrash screen that was designed and installed at the entrance to the newly constructed river culvert under the DTC. The clearance of this crucial screen on the diverted watercourse was not designed out as much as practicable and was instead the sole responsibility of the general maintenance personnel in the DTC. The maintenance personnel were left with a near impossible (and hazardous) task and failed to adequately clear the screen from blocking during the intense rainfall which resulted in tens of thousands of cubic metres of water flowing out of the river channel (upstream of the culvert) directly into the DTC on a busy evening of shopping.

We understand that since that flooding event the DTC management engaged a separate designer to seek to 'design out' the operational issues with the screen clearance as much as practicable and a new, significantly enhanced screen, has been installed which will seek to minimise the risk of blocking as much as possible. Nonetheless a blockage risk and thus flood risk still remains.

The more recent flooding in August 2021 was caused by very heavy rainfall in the Dundrum environs which resulted in the local drainage network becoming inundated and overflowing very quickly onto the surrounding roads which were already awash with rainwater. One significant entrance to the DTC is located at a low spot in the general area and huge quantities of rainwater flowed down adjacent roads to this low spot where it entered the DTC and flooded several retail units. Following the 2011 flood catastrophe for the DTC the centre management initiated a Flood Management Protocol which includes trained operatives erecting flood barriers at key locations to protect the DTC. It is not known why these very barriers adjacent to the low spot were not installed on the day to protect properties and possibly lives. This type of flooding is generally referred to as pluvial flooding or also exceedance flooding and it is predicted by climate scientists that this type of flooding will occur with more frequency and intensity as the effects of climate change worsen.

### ***Lack of Appropriate Assessment***

The applicant states in the Executive Summary of the SSFRA that DLRCC “would not provide access to the Dundrum Integrated Catchment Model”. The OPW were approached by the consultants, via DLRCC, to allow the consultants access to the detailed Integrated Catchment model that was carried out however it is not the policy of the OPW to release the models to 3<sup>rd</sup> parties. Also, it should be equally noted that no applicants receive a hydraulic model from the OPW to prepare their SSFRA, it is standard practice for applicants of significant developments adjacent to watercourses to prepare their own independent hydraulic model. The applicant’s consultants had the advantage of the results of this model and could have used this to help calibrate their own model.

It is interesting to note that the report by JBA does recommend in Section 1.3 that the main Consultants for the scheme, TJOC, should consider ‘detailed modelling’. No such detailed modelling has been carried out by TJOC. The fact that the applicant has actively chosen not to prepare their own hydraulic model to demonstrate that their significant alternations to this site, and adjacent kerblines, would be of grave concern to Drainage Planning for the impacts this development may have on third party properties, as the development itself will take priority when it comes to flood protection. Plans for redevelopment of this site have been in preparation for several years allowing ample time for TJOC’s to carry out the necessary detailed flood risk modelling of the site.

Any SSFRA for this site that does not include a detailed hydraulic model should be considered inadequate.

### ***Hazard to Life***

The applicant has stated that the Flood Risk to Life Mapping is superseded by the more recent Dundrum Slang Integrated Catchment Study (DS ICS). The consultants for the DS ICS were not tasked with preparing Flood Risk to Life Maps thus the current maps are considered to be still valid and cognisance needs to be taken of them.

The applicant has chosen instead to use a separate assessment of ‘Risk to Life’ based on a now 17 year old UK Guidance document. Their conclusion on page 76, Section 5.11, is that there is a ‘high risk to life’ for some persons and concede that this risk to the lives of some people cannot be eliminated. No indication is given as to which people (mobility impaired, under 10’s, over 75’s?) are deemed to be at risk and it is imperative that this is stated explicitly.

JBA Consultants in Section 2.3 of their report do state that “risk to life is discussed but due to the absence of hydraulic modelling, it cannot be fully quantified in the post development condition”. The applicant simply does not know what risk to life there will be when the development is complete and who is most at risk.

The applicant concedes (p77) that the speed of onset of flooding could be 'rapid' given the topography and the culverted nature of the stream. This certainly was the case in August 2021 when several commercial units in the adjacent DTC were inundated within minutes.

The speed of flooding of this part of the catchment is crucially important as any Emergency Protocols are likely to be ineffective as they were on the past 2 flooding events in the adjacent DTC. Shoppers and residents (of all ages and mobility) are very unlikely to be given sufficient warning to evacuate at risk areas prior to those areas being inundated.

### ***Compensatory storage***

The proposal by the applicant to incorporate compensatory storage directly under a development has risks that all parties to this application need to be fully aware of.

This type of compensatory storage as part of a (primarily) residential development has not been used elsewhere in Ireland, or possibly the UK, thus its use here can be considered experimental. Experimenting with an untried/untested flood relief measure in an area that carries with it 'a risk to life' cannot in any sense be considered to be 'an abundance of caution' as suggested in the applicant's submission. The decision to build the adjacent DTC on top of the Dundrum Slang river was also quite innovative at the time of construction, a decision which had devastating results only a few short years following its completion.

The storage volume is based on computer models with multiple caveats with an inadequate 'factor of safety' given the recognised risk to life. The applicant states several times that the compensatory storage arrangement proposed will provide *27% more storage than currently provided*. The existing volume of flood storage referred to is based on computer models which have many caveats and disclaimers and are far from accurate. Much greater safety factors should be provided in areas where risk to life is possible than simply a factor of c. 1.27.

### ***Network Exceedance***

The applicant was asked to include the impacts of exceedance from the Irish Water network as this will also be 'spilling' in the area during an intense rainfall event. The applicant has determined from the GSDS study that the significant spillage will only happen from a manhole near the junction of Churchtown Road and Taney Road and have discounted any flows from the Irish Water network from entering the at risk area. Figure 5-4 and 5-5 on Pages 48/49 of the applicant's flood risk assessment do however indicate that outflow from at least 2 combined sewer manholes enters the area of flooding on the bypass thus will therefore contribute to the overall flood volume. However, no combined sewerage volume was included in the compensatory storage volume. TJOC's state the outflows from these manholes can be managed by simply 'sealing' the manholes at these locations (assuming Irish Water give their consent – not yet provided). The experiences of the Drainage Operations section of DLR suggest that sealing several manholes in one area will simply increase the pressure and volume of outflow at another, perhaps more vulnerable location, most likely close to the existing housing opposite this development. It is possible that sealing manholes in this area could result in spillages within individual properties, in the absence of non-return valves.

### ***Maintenance***

The flood waters will enter the compensatory storage area via an intake screen and then build up there during the intense rainfall event to the design level. The screen will be subject to partial, or in the extreme scenario, full blockage and thus will require careful monitoring before and during an extreme event. The access walkways overhang the



screen which reduces visibility and accessibility for clearing of debris and creates a "lid" that would increase the likelihood of debris building up at these locations leading to blockages.

Clearing screens during a storm event is fraught with difficulty and is hazardous for the operations staff. DLR Operations staff have been advised to not even attempt clear a screen during a storm event due to the safety risks involved.

When the floodwaters from an intense rainfall event subsides the water will be allowed slowly discharge back out onto the drainage network via flow control devices which also will require ongoing maintenance to prevent blockage. DLR Drainage Operations Section would have concerns of the impact of not maintaining these flow control devices and the petrol interceptors sufficiently.

The JBA report states that the storage arrangement should not increase flood risk to 3<sup>rd</sup> party lands 'if it operates effectively'. This caveat is very important as the risk, instead of being fully designed out, is now transferred to operatives charged with managing the new flood relief arrangement during a storm event. Recent and past experience at the adjacent DTC site is that when flood protection measures are left to Operatives the outcome is not good.

### ***Flood Risk Assessment policy***

*Appendix 15 (Strategic Flood Risk Assessment) of the 2022 -2028 County Development Plan sets out Council Policy on Flood Risk Assessment. Although any SSFRA should address the policy document in full, below are some key sections of particular relevance to this scheme:*

#### ***3.4.4 Pluvial Flooding***

*Flooding of land from surface water runoff is usually caused by intense rainfall that may only last a few hours. The resulting water follows natural valley lines, creating flow paths along roads and through and around developments and ponding in low spots, which often coincide with fluvial floodplains. Any areas at risk from fluvial flooding will almost certainly be at risk from surface water flooding.*

*Although having potentially severe consequences, pluvial flooding can generally be managed through site design, layout and drainage. However, SFRA's require a strategic assessment of the likelihood of surface water flooding, which includes consideration of the following:*

- Are there zoned lands which may need to accommodate and retain surface water flow routes?*
- Are there zoned lands which might discharge upstream of an area vulnerable to surface water flooding?*

*A preliminary screening of areas of flood risk concern has been carried out for this SFRA, drawing on historical flood records and the OPW's PFRA mapping amongst other sources. For development within or near these areas, particular attention to surface water risk is required. Drainage impact assessments, with an emphasis on surface water risk and its management, are required for all development proposals, and are further detailed in Section 5.6.*

#### ***3.4.5 Flooding from Drainage Systems***

*Flooding from artificial drainage systems occurs when flow entering a system, such as an urban storm water drainage system, exceeds its discharge capacity and becomes blocked or it cannot discharge due to a highwater level in the receiving watercourse.*

*Flooding in urban areas can also be attributed to sewers. Sewers have a finite capacity which, during certain load conditions, will be exceeded. In addition, design standards vary and changes within the catchment areas draining to the system, in particular*

planned growth and urban creep, will reduce the level of service provided by the asset. Sewer flooding problems will often be associated with regularly occurring storm events during which sewers and associated infrastructure can become blocked or fail. This problem is exacerbated in areas with under-capacity systems. In the larger events that are less frequent but have a higher consequence, surface water will exceed the sewer system and flow across the surface of the land, often following the same flow paths and ponding in the same areas as overland flow.

Foul sewers and surface water drainage systems are spread extensively across the urban areas with various interconnected systems discharging to treatment works and into local watercourses.

## 5.2 Development in Flood Zone A or B

*Highly vulnerable development in Flood Zone A or B other than Minor Development*

Development which is highly vulnerable, as defined in The Planning Guidelines, includes (but is not limited to) dwelling houses, hospitals, emergency services and caravan parks (see Table 2-2 for further information).

It is not appropriate for new, highly vulnerable, development to be located in Flood Zones A or B other than in those areas deemed to have passed the Development Plan Justification test in Section 6. Instead, a less vulnerable or water compatible use should be considered.

In cases where specific development proposals have passed the Justification Test for Development Plans, the outline requirements for a flood risk assessment and flood management measures are detailed in this SFRA in the following sections and the site specific assessments in Section 6 which also detail where such development has been justified. Of prime importance is the requirement to manage risk to the development site and not to increase flood risk elsewhere and to consider residual risks. In particular, a sequential approach to land use within the site must be taken and will consider the presence or absence of defences, land raising and provision of compensatory storage, safe access and egress during a flood event and the impact on the wider development area. The supporting Flood Risk Assessment must take into account residual risks, including the impacts of climate change.

*Less vulnerable development in Flood Zone A or B other than Minor Development*

This section applies to less vulnerable development in Flood Zone A which has passed the Justification test for development plans, and less vulnerable development in Flood Zone B, where this form of development is appropriate, and the Justification Test is not required. Development which is less vulnerable to flooding, as defined in The Planning Guidelines, includes (but is not limited to) retail, leisure and warehousing and buildings used for agriculture and forestry (see Table 2-2 for further information). This category includes less vulnerable development in all forms, including refurbishment or infill development, and new development both in defended and undefended situations.

The design and assessment of less vulnerable development should begin with 1% AEP fluvial or 0.5% AEP tidal events as standard, with climate change and a suitable freeboard included in the setting of finished floor levels.

The presence or absence of flood defences informs the level of flood mitigation recommended for less vulnerable developments in areas at risk of flooding. In contrast with highly vulnerable development, there is greater scope for the developer of less vulnerable uses to accept flood risks while still building to a standard of protection which is high enough to manage risks for the development in question. However, any deviation from the design standard of 1%/0.5% AEP, plus climate change (see Table 5-1: Climate change allowances by vulnerability and flood source for further information), plus freeboard, needs to be fully justified within the FRA.

### 5.5.1 Checklist for Applications for Development in Areas at Risk of Flooding

*This section applies to both highly and less vulnerable development in Flood Zone A and highly vulnerable development in Flood Zone B that satisfy the following:*

- *Meet the definition of Minor Development; or*
- *Has passed the Justification Test for Development Plans under this SFRA and can pass the Justification Test for Development Management to the satisfaction of the Planning Authority.*

*The following checklist is required for all development proposals:*

- *The SSFRA be carried out by an appropriately qualified Engineer with relevant FRA experience (as deemed acceptable by the Planning Authority), in accordance the Dún Laoghaire-Rathdown SFRA and the Planning Guidelines.*
- *Demonstration that the specific objectives or requirements for managing flood risk set out in Section 6 of this SFRA have been complied with.*
- *Preparation of access, egress and emergency plans which are appropriate to the vulnerability of the development and its occupiers, the intensity of use and the level of flood risk.*
- *Submission of a flood resilience statement.*
- *An assessment of the potential impacts of climate change and the adaptive capacity of the development.*
- *Compliance with C753 CIRIA SUDS guide, GDSDS and inclusion of SuDS.*

### 5.8.2 Raising Site Levels and Compensatory Storage

*Modifying ground levels to raise land above the design flood level is a very effective way of reducing flood risk to the particular site in question. However, in most areas of fluvial flood risk, conveyance or flood storage would be reduced locally and could have an adverse effect on flood risk off site. In addition, loss or variation to the floodplain can impact on the wider hydromorphological functioning of the floodplain and connectivity along the watercourse. There are a number of criteria which must all be met before this is considered a valid approach:*

- *Development at the site must have passed the Justification test for Development Plans based on the existing (unmodified) ground levels.*
- *A SSFRA should establish the function provided by the floodplain, of either conveyance or storage of flood waters; this should be agreed with the Municipal Services Section of DLR prior to further assessment being undertaken.*
- *Where conveyance is the dominant function of the floodplain then a hydraulic model will be required to show the impact of its alteration and to provide design parameters for the provision of direct or indirect compensation<sup>10</sup>.*
- *Where the floodplain predominantly provides a storage function, compensatory storage should be provided on a level for level basis to balance the total area that will be lost through infilling where the floodplain provides static storage.*
- *The provision of the compensatory storage should be in close proximity to the area that storage is being lost from (i.e. within the same flood cell).*
- *The land proposed to provide the compensatory storage area must be within the ownership / control of the developer.*
- *The land being given over to storage must be land which does not flood in the 1% AEP event (i.e. Flood Zone B or C).*
- *The compensatory storage area should be constructed before land is raised to facilitate development.*
- *Within currently developed areas the impact of loss of storage should also be investigated for the 0.1% AEP event, and further compensatory storage provided if the development is shown to have a negative impact on flood risk elsewhere<sup>11</sup>.*

- Where the floodplain functions primarily as a conveyance route, hydraulic modelling may be sufficient to demonstrate a lack of impact as a result of either the loss or reprofiling of the floodplain, whilst still retaining the conveyance function.
- In a defended site, compensatory storage is not required, but the impact of removing the net reduction in floodplain storage should be assessed for the 0.1% AEP event or a breach of these defences.
- The provision of compensatory storage or remodelling of floodplain areas for conveyance purposes must not alter the geomorphological or ecological regime of the watercourse and will take into account the Ecological network as set out in Appendix 9 of the County Development Plan.

In some sites it is possible that ground levels can be re-landscaped to provide a sufficiently large development footprint. However, it is likely that in other potential development locations there is insufficient land available to fully compensate for the loss of floodplain. In such cases it will be necessary to reconsider the layout or reduce the scale of development or propose an alternative and less vulnerable type of use. In other cases, it is possible that the lack of availability of suitable areas of compensatory storage mean the target site cannot be developed and should remain a water compatible use.

#### 6.2.1 Dundrum MTC Phase 2 (County Development Plan 2022-2028 Flood Zone Map 1)

##### 3 Shopping Centre Phase 2 lands (27)

The size of the site presents the most significant potential for large scale mixed use development within the local area, but the nature and extent of possible development should be guided by the Sequential Approach.

Care must be taken when considering the road/access and ventilation requirements to preclude flow from entering any basement excavated below flood level.

A full emergency plan with access and egress to Main Street is compulsory.

The residual risk related to spill over the road at Taney Cross and should be used to guide finished floor levels. Other FFLs should be higher than the Dundrum Bypass and potential flood levels.

Existing flow paths along the Dundrum Bypass should be maintained. The SSFRA will need to demonstrate there is no impact in flood risk outside the site boundary.

Conclusion: Justification Test Passed for Dundrum Shopping Centre Phase 2

##### 6.2.14 The Dundrum Slang

...Flooding is shown at Dundrum Shopping Centre Phase Two lands (site of old shopping centre) in Dundrum Village (27), the library (28) and gym site (26). These sites (zoned MTC) have been subject to Detailed FRA under the previous SFRA and the Dundrum Slang ICM Study completed in 2020, and responses to the Justification Test for Development Plans are provided in Section 6.2.1. Modelling carried out as part of this SFRA shows the flow path crosses the shopping centre site and ponds near the river prior to discharging back into the Slang. The modelling also showed that the modelled water levels are very sensitive to model parameters and any ingress to Flood Zone B could increase flood risk to neighbouring properties. It is therefore important that the flow path and the capacity for storage on site is respected in any development proposal...

## Flood Risk Assessment Report

Section 5.8.2 of the County Development Plan 2022-2028 specifically requires hydraulic modelling to be undertaken: "...a hydraulic model will be required to show the impact of its alteration and to provide design parameters for the provision of direct or indirect

compensation<sup>10</sup>". It also states that "...compensatory storage should be provided on a level for level basis..." This is required to demonstrate that the proposed compensatory storage will operate as expected for both conveyance and storage of flood waters and that storage will be available for all flood events.

Section 6.2.1 of the County Development Plan 2022-2028 states that "...The SSFRA will need to demonstrate there is no impact in flood risk outside the site boundary..."

Section 6.2.14 of the County Development Plan 2022-2028 states that "...The modelling also showed that the modelled water levels are very sensitive to model parameters and any ingress to Flood Zone B could increase flood risk to neighbouring properties..." further demonstrating the importance of a hydraulic modelling for any development at this site.

Hydraulic modelling is also required to demonstrate compliance with Justification Test Box 5.1 of the Planning System and Flood Risk Management Guidelines (OPW, 2009), specifically items 2(i): "...The proposal has been subject to an appropriate flood risk assessment that demonstrates: i. The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;..."

Given the complexity of flooding, both pluvial and fluvial, in and adjacent to this site it would be impossible to adequately assess the flood risk that may be inadvertently caused due to the proposals within and adjacent to this site without a detailed hydraulic model. An SSFRA that does not include a detailed hydraulic model should be considered inadequate in terms of risk assessment.

It should be noted, the conditioning of the preparation of a detailed hydraulic model is inappropriate as the results could require the applicant to undertake significant and substantial redesign of the entire scheme, impacting significantly on all disciplines designs and requiring a complete reassessment of the proposal. Therefore, Drainage Planning considers these flooding issues as substantial and not capable of being addressed via Condition.

However, as required by legislation, certain conditions are recommended below should An Bord Pleanála decide to grant permission:

1. Prior to the commencement of development, the applicant is requested to submit to the Planning Authority for its written agreement an updated Site Specific Flood Risk Assessment (SSFRA) in accordance with the requirements of Appendix 15 of the County Development Plan 2022-2028 and Justification Test Box 5.1 of the Planning System and Flood Risk Management Guidelines. In particular, the SSFRA must include a detailed hydraulic model which demonstrates that the development does not increase flood risk elsewhere, provides compensatory storage on a level for level basis for all events and demonstrates the impact of all changes associated with the development, including those to the public areas adjacent to the site. Sections and plans shall be included for all events. Pluvial flooding shall be included in the analysis, demonstrating that the proposed alternations will not adversely impact, redirect and further channelise pluvial flooding to the detriment of adjacent lands. An updated full emergency plan with access and egress to Main Street will also be included, which accounts for pluvial and fluvial flooding. All proposed mitigations measures as a result of this analysis must be agreed with the Planning Authority.
2. The flood flow-path areas shall not contain any Engineering, Architectural, or Landscaping features, that would have the potential for obstruction of flowpaths, in accordance with Section 3.3.1 of Appendix B of the Planning System and Flood Risk Management Guidelines.

3. Prior to the commencement of development, the applicant shall submit to the Planning Authority for its written agreement proposals for the implementation of Mitigation measures identified in the Site Specific Flood Risk Assessment.
4. Prior to the commencement of development, the applicant shall submit details of the proposed surface water drainage system in the event of blockage or partial blockage of the system, commenting on any surcharging or flood risk that may be identified, particularly in relation to freeboard used in the simulation analysis. The applicant shall submit a drawing confirming that safe overland flow routes do not negatively impact properties both within and without the site. The overland flow route plan shall identify drop kerbs or ramps required for channelling the flow, shall address low point areas in the site and shall detail how properties, both within the development and on adjacent lands, will be protected in the event of excessive overland flows.
5. Prior to the commencement of construction, the applicant shall submit to the Planning Authority for its written agreement a construction management plan and programme of works that provides for the completion of the proposed flood storage works and flood routing works in advance of other construction works, or other acceptable temporary proposal(s) supported by hydraulic analysis, such that it can be clearly demonstrated that the full flood storage volumes and flood routes are available at all stages of the proposed development.



## **Drainage Planning report**

### **Introduction**

The contents of the Engineering Services Report and accompanying drainage drawings are severely lacking in the level of detail expected and required to give a scheme of this scale adequate assessment.

### **Comments**

#### ***Drainage System Design***

The applicant has placed petrol interceptors after the attenuation systems. Best practice required these to be placed before attenuation systems. It is also unclear why these are required for the surface water system if all run-off is intercepted/treated at source.

Drainage Planning has significant concerns about the location of the flow control devices remote from the attenuation systems and the placement of a petrol interceptor in-between. It is unclear if this arrangement has been modelled accurately. An arrangement which requires the surface water to "back up" through lengthy connections to the attenuation system, particularly through another device such as the petrol interceptor, would not be best practice and cause of serious operational concern.

The applicant has chosen to only provide attenuation storage for the 1 in 30 year event, as stated in Section 2.2 Page 8 of their report. It is unclear how they will contain the 1 in 100 year event within the site with the proposed drainage arrangement. No demonstration has been provided as to what area has been allocated for the 1 in 100 year event or how it would be utilised in such an event.

There are also a number of varying parameters which make it difficult to assess whether the drainage system has been designed appropriately and sufficient attenuation storage has been provided:

- The drainage modelling results included in Appendix G do not detail what effective drainage areas have been modelled, or if Cv values have been altered to 1.0 instead of the default Summer/Winter values and whether reduced run-off factors have been applied. Maintaining the default Cv values reduces the run-off in simulations of rainfall events, giving inaccurate simulation results which may lead to undersizing of the drainage system and attenuation storage.
- The applicant has used incorrect values in their drainage calculations, using SAAR of 966 instead of 822.
- The area of the site used in calculations changes throughout the report. In Table 2-3, 2.834hA is quoted, in Section 2.5 Page 15, 2.437hA is quoted as the impervious area.
- The discharge rate for this site should be in the region of 9.8l/s and not the proposed 11.72l/s.

These issues should be addressed by way of further information, and Drainage Planning have concerns that the cumulative impact of addressing these issues post grant may have significant knock on effects on other disciplines designs requiring significant redesign of the entire scheme. However, should An Bord Pleanála wish to grant, and in the absence of Further Information, this issue cannot be resolved as part of this report but can be addressed by a proposed condition **No.1**.

#### ***Attenuation Systems***

From the Proposed Stormtech Attenuation Layout drawings, the attenuation 5 systems in Zone 1 and 4 attenuation systems in Zone 2 do not appear to be interconnected. It is also unclear what area the system in Zone 4b is attenuating. No access manholes for maintenance have been shown on each system within each zone and the isolator row has not been identified. It is also unclear how these systems will be accessed for maintenance, particularly the specific machinery required for jetting to have sufficient

space for access among the pillars. The systems are also located under carparking spaces which may make them inaccessible if the access manholes are not located appropriately.

In the absence of Further Information this issue cannot be resolved as part of this report but can be addressed by a proposed condition **No.2**.

### **Green Roof Provision**

The applicant has provided varying green roof provision percentages in their report, in Section 2.2 Page 7 they have incorrectly included podium level as part of their green roof calculation, to give 80%, in Table 2-6 they state the provision as 60.63%, then in Table 2-7 state 84.9% and 80.3% coverage. From examination of the drawings the actual green roof provision only appears to be 51%, which is significantly below the 70% required for extensive green roofs in Appendix 7.2 Green Roof Policy of County Development Plan 2022-2028. It should be noted that blue roof that isn't vegetated or permeable paving at roof level cannot be included in green roof provision, nor can vegetated areas at podium level be included in the calculations.

In the absence of Further Information this issue cannot be resolved as part of this report but can be addressed by a proposed condition **No.3**.

### **Surface Water Drainage**

1. Prior to the commencement of development, the applicant is requested to submit to the Planning Authority for its written agreement an alternative drainage design with the overall discharge rate for the site limited to  $Q_{bar}$  (calculated using site specific data) or 2l/s/ha, whichever is greater, subject to the orifice size of each flow control device not being less than 50mm in diameter. The submission shall include detailed calculations, including modeling results, of the proposed system during all required storm events. The submission must demonstrate how the 1 in 100 year event will be stored within the site while not impacting on pluvial/fluvial flood routes or pluvial and compensatory storage volumes. The submission must also include updated drainage layouts with sufficient detail and labelling to demonstrate how all elements interconnect.
2. Prior to the commencement of development, the applicant shall submit full dimensioned construction details of the proposed attenuation systems to the Planning Authority for its written agreement. All relevant inlet and outlet levels, dimensioned clearances between other utilities, and actual depths of cover to the system and details of the proposed inlet and outlet manholes and arrangements to facilitate draw down and maintenance shall be provided. Details shall also include a construction plan and a post-construction maintenance specification and schedule. Thereafter, the works shall be carried out in accordance with the agreed details and the attenuation system shall be maintained at all times in accordance the post-construction maintenance specification and schedule, which shall be included in the Safety File.
3. The Blue/Green roofs/podiums shall be designed in accordance with The SUDS Manual (C753) and BS EN 12056-3:2000. Prior to the commencement of development, the applicant shall submit full dimensioned construction details of the proposed Green Roofs to the Planning Authority for its written agreement, demonstrating that the green roof coverage is in accordance with Appendix 7.2 of the County Development Plan 2022-2028. Details shall include a construction

plan and a post-construction maintenance specification and schedule. Maintenance contractors with specialist training in green roof care should be used. The applicant shall also provide details of maintenance access to the green roofs and should note that in the absence of a stairwell type access to the roof, provision should be made for alternative maintenance and access arrangements such as external mobile access that will be centrally managed. Thereafter, the works shall be carried out in accordance with the agreed details and the green roof shall be maintained at all times in accordance the post-construction maintenance specification and schedule, which shall be included in the Safety File.

4. The SuDS measures shall be designed in accordance with The SUDS Manual (C753). Prior to the commencement of development, the applicant shall submit full dimensioned construction details of the proposed SuDS measures to the Planning Authority for its written agreement. Details shall include a construction plan and a post-construction maintenance specification and schedule. Maintenance contractors with specialist training in SuDS care should be used. Thereafter, the works shall be carried out in accordance with the agreed details and the SuDS measures shall be maintained at all times in accordance the post-construction maintenance specification and schedule, which shall be included in the Safety File.
5. Prior to the commencement of development, the applicant shall submit full details of the flow control devices, including model and make number, orifice size and flow control hydraulic characteristics graph. The flow control devices will not be permitted to have a bypass door and a penstock must be provided in the manhole in which the flow control device is located.
6. Prior to the commencement of development, the applicant shall submit to the Planning Authority for its written agreement details of the proposed headwalls/outlets to the watercourses/public sewer.
7. Prior to the commencement of development, the applicant shall submit to the Planning Authority for its written agreement a construction management plan and programme of works that amongst other items provides for interception, containment and treatment of construction runoff. No construction runoff should be diverted to proposed SuDS measures. Any surface water sewer pipes used to convey construction runoff should be thoroughly cleaned before subsequent connection to SuDS elements.
8. Prior to the commencement of development, the applicant shall submit to the Planning Authority for its written agreement a Stage 2 - Detailed Design Stage Stormwater Audit, as required under Policy EI9: Drainage Impact Assessment of the County Development Plan 2022-2028, so as to check the detail of all the SuDS elements and to ensure that any necessary amendments have been included in the construction stage drawings.
9. Upon completion of the development, the applicant shall submit to the Planning Authority for its written agreement a Stage 3 Completion Stage Stormwater Audit to ensure the SuDS measures were installed and working as designed, no misconnections have taken place and that damage has not occurred to any of the stormwater drainage infrastructure during construction. A report shall, be issued to the Planning Authority and any necessary recommendations carried out, unless agreed otherwise with the Planning Authority. This stage may require the

installation of flow monitors and/or dye testing; the extent of monitoring will depend on the findings of the audit. A CCTV survey shall be carried out of all stormwater pipes and the survey and report forwarded to the Planning Authority.

Signed: Elaine Carroll

Date: 09/05/2022

**A/Senior Executive Engineer**

Drainage Planning

Municipal Services Department

Signed: Joe Craig

Date: 09/05/2022

**Senior Executive Engineer**

Flood Alleviation

Municipal Services Department

**HOUSING DEPARTMENT**  
**MEMORANDUM**

**To:** Mary Henchy,  
Director of Services  
Planning & Organisational Innovation  
County Hall

**Date:** 21<sup>st</sup> April 2022

**Re:** **ABP-313220-22 Proposed SHD Development at site 3.5335ha incorporating the old Dundrum Shopping Centre known as Main Dundrum Street Village Centre (D14K3T7) Dundrum Retail GP DAC**

I refer to your request for a housing report in connection with the above proposed development.

It is noted that the applicant proposes to comply with the Part V requirement for the proposed development by way of transfer of 88 residential units on site at a total indicative cost of €42,672,726 inclusive of VAT comprising; 46 x 1-bedroom units, 37 x 2-bedroom units and 5 x 3-bedroom units. Average indicative cost of €484,917 per unit.

While the unit costs exceed the Council's approved acquisition cost threshold, it is acknowledged that the stated costs are estimated, as actual costs cannot be quantified at this preliminary stage. As such, the on-site proposal has the potential to comply with the requirements of Part V of the Planning and Development Act 2000 as amended, the County Development Plan and the Housing Strategy 2016-2022, subject to agreement being reached on land values and development costs and funding being available. Should planning permission be granted and validated costs prove to be of similar value, the council will review the proposal and seek an alternative compliance option.

In order to fully assess the applicant's proposal, the Housing Department will require in the event that planning permission is granted, a detailed submission to include, inter alia, existing and development use land values, construction, development and any attributable costs associated with the development. Furthermore, in determining whether to enter into an agreement under Section 96(3)(b) of the Acts the Council will consider the applicant's proposal having regard to the criteria set out in Sections 96(3)(c) and (h) of the Acts.

It is therefore recommended that should a decision be made to grant planning permission for the proposed development a condition be attached requiring the applicant/developer to enter into an agreement in accordance with Part V of the Planning and Development Act, 2000, as amended, prior to commencement, unless the applicant/developer shall have applied for and been granted an exemption certificate under section 97 of the Acts.

*Aiden Conroy*

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Aiden Conroy  
Administrative Officer  
Housing Department

**Dún Laoghaire-Rathdown County Council**

**E.H.O. PLANNING REPORT**

Environmental Health Service, Silverstone House, Ballymoss Road, Sandyford, D18

Tel: (01) 2020580

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**LOCATION:** Site 3.5335ha incorporating the old Dundrum Shopping Centre known as Main Dundrum Street Village Centre (D14K3T7)

**DEV:** Permission for a Strategic Housing Development consisting of a total gross floor area (gfa) of 88,442.0sqm comprising 881 apartments and ancillary accommodation totalling 83,983.3sqm GFA and 4,458.7sqm of non-residential uses

**APPLICANT:** Dundrum Retail GP DAC

**REF:** ABP31322022

**RECEIVED:** 29<sup>th</sup> April 2022

**RETURNED:** 10<sup>th</sup> May 2022

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**Observations and Recommendations**

**The proposal is acceptable to this office subject to:**

A Final Construction Environmental Management Plan and Demolition Management Plan must be agreed with Dun Laoghaire/Rathdown Planning Authority prior to commencement of development. The plan should take into account the following: Noise impacts, Air pollution impacts, Waste Management, Staff welfare facilities and Pest Control.

*Please ensure the following is included:*

**Construction Environmental Management Plan**

**1. Designated Officer**

It was noted under section 9.0 "Noise and Vibration" of the Environmental Impact Assessment submitted that various demolition and construction activities will take place on site that will give rise to elevated noise levels including on-site rock crushing, pneumatic ground breaking and basement piling work. It was also noted under section 8.0 "Air and Climate" that a number of buildings will be demolished which will give rise to increased dust levels. A Designated Person/Officer must be appointed to manage complaints/queries; this is essential to protect the occupants of neighbouring properties. The appointed Designated Officer/Person must liaise with neighbours as well as deal with complaints associated with noise, vibration and dust issues as they arise for all phases of this project.

**2. The following must be included within this regime and form part of the Construction Environmental Management Plan:**

- Demonstrate compliance with British Standard BS 5228 - 1: 2009 +A1 2014: 'Code of practice for noise and vibration control on construction and open sites - Noise'
- It is noted within section 9.0 of the Environmental Impact Assessment Report submitted that noise monitoring will take place; please ensure the following forms part of the monitoring procedure: A programme of continuous noise monitoring and

noise vibration shall be carried out for the duration of the development, along the site boundary/ noise sensitive location(s) and by an appropriately qualified acoustic technician. Should any noise assessment identify the noise limits being exceeded, further investigation will be carried out and mitigation measures implemented to ensure compliance. Copies of the monitoring shall be made available to the Environmental Health Officers Air & Noise Unit on request. All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary. They shall operate in such a manner so as not to cause a nuisance to the any neighbouring facilities, residents or businesses.

- Section 2.5 of the Outline Construction Management plan by TJ O'Connor Associates & Consulting Engineers dated March 2022 states "site development and building works are proposed during the following hours: Monday to Friday 07:00 to 19:00, Saturdays 08:00 to 14:00 and access to the site before 7am or after 7pm".

**The hours of operation shall be restricted to 8.00a.m. to 7.00p.m., Monday to Friday, and 8.00am to 2.00pm on Saturdays No activities shall take place in site on Sundays or Bank Holidays. No activity, which would reasonably be expected to cause annoyance to residents in the vicinity, shall take place on site between the hours of 7.00p.m. and 8.00a.m. Amend Final Construction Environmental Management Plan to reflect this requirement**

- It is noted that pneumatic ground breaking, rock crushing and piling will take place on site. Ensure that **community engagement** takes place and agreement is reached on specific hours these activities can take place.
- If there is any occasion when work must be carried on outside daytime hours, this department, local residents and businesses in areas which are likely to be affected by noise from the proposed works should be notified in advance.

### **3. Demolition Management Plan**

Develop a detailed Demolition Management Plan to reduce adverse impacts such as waste recovery, dust, noise and noise management from the demolition of the specified buildings and complying with Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects (DOEHLG, 2006 & 2008).

It was noted that on page 167 of Environmental Impact Assessment Report under section 8.5.5 "Monitoring" submitted that a programme of dust deposition monitoring will be initiated prior to the commencement of demolition, excavation and construction phase.

Ensure that this takes place by the developer at sensitive locations adjacent to the site boundaries and shall be made available to the Local Authority on an agreed basis and/or on request:

- Set up monitory points at the proposed locations to measure total dust deposition rates. The amount of dust deposited anywhere outside the proposed development, when averaged over a 30-day period, should not exceed:
  - 130mg/m2 per day when measured according to the BS method which takes account of insoluble components only, or
  - 350mg/m2 per day when measured according to TA Luft, which includes both soluble and insoluble matter. (EPA compliance monitoring is based on the TA Luft method)



## TRANSPORTATION PLANNING

ABP31322022 - (PAC/SHD/146/21)

Old Dundrum Shopping Centre & Properties on Main Street, Main Street,

### PROPOSED DEVELOPMENT

Demolition of existing retail complex and the construction of 881No apartments along with retail and commercial uses, associated car parking and public realm space.

Provision of retail / commercial spaces at 3,425sqm (including a 2,028sqm foodstore, 523.1sqm creche and 1,806sqm of various retail units)

Total of 373No car parking spaces (55o for retail, 3no. creche) and 1,750 cycle parking spaces (1,508no for residents and 242no for visitor parking)

### REPORT:

#### TRAFFIC AND TRANSPORT ASSESSMENT

The submitted Transport Assessment Stage 3 Report, prepared by Systra, version 1, dated 23/3/2022 is noted.

The comprehensive report will be quoted in the relevant sections bellow, as it addresses Transportation items in terms of accessibility, traffic Impact assessment, junction's analysis, vehicular and cycle parking, works to public road, etc.

#### Traffic Impact Assessment

The is found in the Sections 5 and 6 of the Submitted TTA.

The report states that the applicant's network threshold assessment, raised the requirement for junction modelling / traffic surveys on 4 locations with the following results:

**Dundrum Bypass / Churchtown Road Upper / Taney Road Junction (Taney Cross)** – "It has been established that by 2024, the junction will operate over capacity before taking into account the impact of traffic related to the proposed development but the addition of development traffic does not cause a significant change in the operation of the junction".

**Dundrum Bypass / Main Street Junction** - *'The junction is recorded to operate within capacity across all arms in the AM and PM peak periods, both without and with the impact of development traffic'.*

**Dundrum Bypass / Central Development Access Junction** - *'It can be seen that the junction operates within capacity during both peak periods'.*

**Dundrum Bypass / Southern Access Junction** - *'It can be seen that the junction operates within capacity during both peak periods'.*

**Departure from TII –Traffic and Transport Assessment Guidelines PE-PDV-02045**

The submitted modelling and results do not follow the guidelines the standard guidelines from the reference document above, in (i) Traffic Forecasting and (ii) Cumulative Impacts.

It was expected to see references in terms of forecast scenarios of Opening Year (2024), Opening year + 5 years (2029) and opening year + 15 years (2039), also incorporating Cumulative impacts of all committed developments within the vicinity of the site.

## **TRAFFIC MANAGEMENT AND ROAD SAFETY**

### **Access and Proposed Layout**

The applicant has proposed put forward detailed description of its Access Strategy in it's submitted Traffic and Transport Assessment – Stage 3 report.

### **Pedestrian Access and Permeability**

The proposals consider extensive and widespread access and permeability for pedestrian through the site, with the inclusion of desirable links east-west with the proposed bridge over the Dundrum Bypass, with easy access to public transport, cycling infrastructure.

Transportation is in general agreement that the proposals create a "integrated permeable network of streets, footways, paths..." and in line with DMURS requirements.

### **Vehicular Access**

The proposed layout has three vehicular access points, all showed in preliminary design drawings in the Appendix A of the submitted Transport Assessment Report, including achievable sightlines. The proposed vehicular access points are follows:

- 1 (North) - Left-in only from Dundrum Bypass;
- 2 (Central) - All movements ghost-island priority junction with right turning refuge from bypass,
- 3 (South) - Left-out Only Priority Junction.

Comments on the proposed layout are found in the relevant sections below.

### **Service Road**

The proposals consider a service road, to be kept in private ownership, parallel to the Dundrum Bypass, providing access into the residential and retail car parking areas, and also accommodating vehicles.

It is noted that residents availing of the cycle parking proposed in the car parking areas, will share the surface and will merge onto the bypass either by Central or south vehicular accesses described above.

Item Appendix A of the submitted TTA, there are several swept path analysis drawings showing vehicle manoeuvres in and out onto the public road / Dundrum By pass.

### **Multi-modal Transport Interchange**

The Council and the NTA commenced works on the Local Transport Plan for the Dundrum area, which involves the provision of a transport interchange and bus terminus at the northern end of Main Street adjacent to the Dundrum Luas stop, component of the wider

BusConnects programme. The NTA requirements can be summarised in the provision of bus layby with around 75 to 85m in length along the Dundrum ByPass.

The applicant's proposed layout does not accommodate that proposed layby, and justification for the proposed design are found in Section 9 – NTA requirements in the submitted TTA.

*"With the commercial development (including the foodstore) served from the northern access junction, there is a need to gain access at this location to bring in larger vehicles which would not be able to use the central access junction to double back to the servicing location. This means that elimination of the access point is not an option and moving the access is also not possible as a result of the swept path of the service vehicles. It is noted that this northern access point would have to be amended (shortening up the diverge) in order to accommodate the potential future delivery of the bus lay-by north of the access."*

The applicant follows with proposals to accommodate the layby in other nearby locations, namely (i) Waldemar Terrace Junction, (ii) between Dundrum Village Central and Southern Access Points and (iii) Dundrum Bypass between proposed southern access point and access to Dundrum Town Centre. Refer to figures 9.1, 9.2 and 9.3 of the submitted TTA.

The applicant also stated that *"Going forward, the applicant would be keen to maintain an on-going dialogue with the NTA in relation to the bus connects proposals and once the NTA proposals are more developed, it is fully anticipated that the optimum solution for the exact location of the lay-by facilities will be identified."*

**Following consultation with the DLR's Traffic Section, Transportation received the following comments and recommendations:**

*"DLR Traffic Section has been working in conjunction with the NTA on the Dundrum Interchange Project, which aims to address the need for improvements, including capacity enhancements, to bus interchange facilities at and in the vicinity of the existing interchange area adjacent to Dundrum Luas station. This is required in order to cater for the planned bus service increases under the BusConnects New Dublin Area Bus Network."*

*This project work has identified a requirement for a new bus layby to be provided on the eastern side of the Dundrum bypass, immediately adjacent to the south of its junction with Main St. Maintaining this proximity to the existing bus interchange and Luas station is a requirement to promote interchange between modes. To facilitate the roll out of the planned BusConnects L25 bus service later this year, the NTA, in conjunction with Traffic Section in DLR, is currently progressing the construction of this bus layby, which is required to be in place from September of this year (2022) to facilitate driver training in advance of service commencement."*

*The construction works include a bus layby with space for 3 No. buses and requires works to be carried out over a length of approximately 65m along the eastern side of the bypass commencing from a point approximately 15 - 20m to the south of the bypass junction with Main St. The land required for these works, which includes footpath, grass verge & landscaping, is within the ownership and charge of DLRCC."*

*The requirement for this bus facility was communicated to the applicant at both stages 1 & 2 of the SHD process. However, the plans submitted under stage 3 to*

*An Board Pleanála do not accommodate the requirements set out above. In particular, the northernmost proposed access arrangement on the bypass conflicts with the NTA's requirements for a bus layby at this location. For this reason, DLR Traffic Section is opposed to the grant of permission for the entrance arrangements on Dundrum bypass as proposed. If the Bord is minded to grant permission for the overall development, the following condition should apply:*

*"Prior to the commencement of the development, the developer shall liaise with both the NTA and DLRCC and submit for the written agreement of the Planning Authority, revised plans, indicating the vehicular entrance arrangements to the development from Dundrum bypass, amended as required to allow an adequate separation distance between any development entrance and the bus layby facility on the bypass."*

Transportation Planning will put forward the proposed condition in the case a permission is contemplated by the ABP.

### **Quality Audit**

Appendix F of the submitted TTA, contains the Quality Audit and Designer's Response, prepared by ORS, dated, 31 Jan 2022

The comprehensive report highlights a total of 21 issues from a wide-ranging topics and, under the feedback report page, the design consultant has agreed to the recommendations in 18 items and adequately justified the reason for not accepting the other 3 no items, partially accepting one of the items.

If permission is contemplated, standards conditions for further Quality Audits for detailed design and post-construction stage shall apply.

### **Taking in Charge**

The submitted drawing 16031-TJOC-00-XX-DR-C-1001 – site Plan – Overall Lands in Control of DLRCoCo' indicates boundaries for the planning application (area of works) in red, lands owned by the applicant (blue), a magenta line and a hatched pattern for proposed areas to be taken in charge.

Areas outside of the ownership of the applicant indicated works to be delivered by the applicant in 3<sup>rd</sup> party lands, and therefore, relevant letters of consent shall be obtained.

Areas proposed to be taken in charge are considered the ones currently in the ownership of the applicant which will put forward to the taken-in-charge process, along with DLR's building Control Section.

The proposed areas to be taken in charge, as shown in the submitted drawing are somewhat confusing, overlapping with proposed works on lands already owned by the council.

The current proposed taken-in-charge boundaries will be not practical and difficulty to ascertain as the boundaries seem to rest on 'arbitrary lines' in the middle of footpaths, middle of green planting areas, etc.

To facilitate implementation, enforcement and maintenance, the taken-in-charge areas should respect a clear boundary, either incorporate a delineated line such as building lines, change in materials, include or exclude planting areas, etc.

## **DESIGN MANUAL FOR URBAN ROADS AND STREETS (DMURS).**

The DMURS Statement of Consistency is found in appendix G of the submitted TTA. Transportation is in general agreement that the proposed design is in accordance with DMURS guidelines.

### **TRAVEL PLAN**

The report 'Mobility Management Plan – Stage 3 Report' dated 16/3/22, prepared by Systra is noted. If permission is contemplated, standards Travel Plan conditions shall apply for the proposed development.

### **CAR PARKING STANDARDS**

#### **Quantum of Car Parking**

Total of 373No car parking spaces (55o for retail, 3no. creche) and 1,750 cycle parking spaces (1,508no for residents and 242no for visitor parking)

The proposals consider a total of 373No car parking spaces (55o for retail, 3no. creche) and 1,750 cycle parking spaces (1,508no for residents and 242no for visitor parking).

The proposed residential car parking provision is at ~0.4 spaces per unit. The Transport Assessment Report states that the provision is considered adequate for the development, with references to nearby developments with car parking provision at ratio of 0.31 spaces per unit.

The documents state that the spaces would be allocated on a need basis, instead of being sold with the residential units. This arrangement creates a requirement of a Car Park Management Plan for the correct use and facilities.

In accordance with Section 12.4.5.2 *Application of Standards* of the newly adopted DL RCC County Development Plan 2022-2028, the Planning Authority may allow a deviation from the maximum or standard number of car parking spaces specified in Table 12.5.

Considering the location, surrounding infrastructure, type of development, proximity to commercial and employment areas, proximity to high frequency public transport corridors, Transportation Planning, in these circumstances, is agreeable to the reduced proposed provision of 373No car parking spaces to serve the proposed commercial and residential development.

#### **Commercial Parking**

The CDP (2022-2028) - Section 12, car parking provision is stated as maximum standards.

Food Store – 2028 m<sup>2</sup> / 1 space per 50m<sup>2</sup> = 51 spaces

Retail – 1806 m<sup>2</sup> / 1 space per 50m<sup>2</sup> = 36 spaces

Creche – 1 per staff = 10

Due to the location of the site as part of a Town Centre, in close proximity to frequent public transport links (Bus and Luas), employment opportunities, Transportation Planning is agreeable to the 55no spaces to cater for the non-residential use, provided that these units are subject to a Mobility Management Plan (or included in the Dundrum Town Centre Mobility Management Plan).

### **PARKING AND LOADING BAYS**

The submitted drawings show that all proposed car parking bays have been designed in accordance with the guidelines, including proposed designated locations for standard, disabled and parent/child car parking spaces.

### **Disable parking**

The proposals of 18no (14no for residential and 4no for commercial) is an adequate provision of disable car parking spaces. There's a note in the submitted quality audit that has been recommended the relocation of disable spaces in the parking zones 2 and 3 has been agreed and accommodated by the design team.

### **Set-down / Drop off**

The provision of set-down and drop off areas along Main Street, and shared areas along the Bypass are adequate to accommodate uses for residential deliveries and or taxi pick up and drop off areas.

### **Car Sharing Clubs**

The proposals cater for 11no car parking spaces designated for Car Sharing Clubs. It is noted the letters from car sharing companies (Appendix C in the Submitted TTA) stating their interest in providing the service.

### **Visitor Parking**

The submitted documents state that the "A small number of visitor spaces will be provided within the overall development provision and allocated to visitors via a booking system". The applicant makes references to adjacent car parking areas available for visitor parking.

### **Creche Staff Parking**

The proposed dedicated car parking spaces for Creche use in zone 4 are noted. Transportation is in agreement with the argument submitted that 'a large proportion of the users of the creche will be drawn from the development itself and the nearby residential area of Sweetmount'.

Drop-off and pick can be accommodated by the areas dedicated areas as described in the relevant section above.

## **CYCLE PARKING**

### **Quantum**

The proposed cycle provision of 1,750no cycle parking spaces (1,508no for residents and 242no for visitor parking) is noted, inclusive of 610 at podium level, 178no at mezzanine level and 789no at lower ground floor level.

It is noted that the vast majority of the proposed cycle parking appears to be "double stacked" type, not in accordance with DLRCC's *Standards for Cycle Parking and associated Cycling Facilities for New Developments – January 2018*.

The relevant submitted drawings showing cycle parking provisions are the following:

DR-C-1020 - Typical Cycle Parking - Podium Layout

DR-C-1021 - Typical Cycle Parking - Lower Ground Floor Layout

DR-C-1022 - Cycle Parking - Overall Layout

Transportation planning consider the quantum and distribution of cycle parking provision adequate for the proposed development.

## **MOTORCYCLE PARKING**

The submitted Drawing DR-C-1010 demonstrated 17no motorcycle parking spaces allocated in the car park, which are welcomed by Transportation Planning.

## **DESIGN OF UNDERGROUND AND MULTISTOREY CAR PARKS**

When applicable, the applicant will be requested to generally comply with the requirements set out in the UK's Institution of Structural Engineers booklet entitled 'Design Recommendations for Multi Storey and Underground Car Park Fourth Edition' (2011) and any subsequent updates.

## **ELECTRICALLY OPERATED VEHICLES**

The submitted documents show a provision of 43no EV spaces with references that all other spaces will be capable of accommodating EV points in the future'.

## **CONSTRUCTION MANAGEMENT PLANS**

The submitted "Outline Construction Management Plan" prepared by TJ O'Connor Consulting Engineers, dated March 2022 is noted. The document sets out general guidelines to be followed by contractors.

If permission is contemplated, standards conditions associated with Construction Management Plan shall apply.

Due to the nature of the site, in busy urban environment, extensive consultation and liaison with DLR Traffic and Road Maintenance Sections' are required. Other relevant authorities, named Dublin Bus and NTA shall also be consulted to minimise the disruption and impacts of services in network in close proximity of the site.

## **SIGNAGE, BUS SHELTERS AND TAXI RANKS**

All signs, bus shelters and taxi ranks should be designed in accordance with best accessibility practice and in a manner which will not obstruct or distract or create a conflict with pedestrians, cyclists, public transport or private vehicles. Adequate sightlines shall be provided in each direction, where signs, bus shelters and taxi ranks are located in close proximity to junctions and entrances. Access routes to bus shelters and taxi ranks should be designed in accordance with the requirements in DMURS. The 'Traffic Management Guidelines', (2012) (DTTaS) and the 'National Cycle Manual', (2012) (NTA) should be consulted to ensure best practice in terms of locating bus shelters to avoid conflicts with other cyclists and other road users.

## **TRAFFIC NOISE**

In accordance with CDP Policies ST28 and E120 an assessment of traffic noise impacts on the proposed development is recommended.

## **PROPOSED REFUSAL**

Following recommendations from DLR's traffic Section in relation to the conflicts between access arrangements and NTA requirements on the bypass, transportation recommends refusal of the proposed application.

## **IF PERMISSION IS CONTEMPLATED, THE FOLLOWING CONDITIONS ARE RECOMMENDED:**

### **Bus Interchange**



Prior to the commencement of the development, the developer shall liaise with both the NTA and DLRCC and submit for the written agreement of the Planning Authority, revised plans, indicating the vehicular entrance arrangements to the development from Dundrum bypass, amended as required to allow an adequate separation distance between any development entrance and the bus layby facility on the bypass.

### **Electric Operated Vehicles**

Prior to commencement, the Applicant shall submit revised drawings which demonstrate the provision of electric vehicle charging points in accordance with Section 12.4.11 of the current DLRCC County Development Plan 2022-2028 which requires a minimum of 1 No. fully operational electric vehicle charging point per 5 No. parking spaces and for all parking spaces to be ducted to allow future fitting of EV charging points without the need for extensive intrusive works.

### **Cycle Parking**

Prior to the commencement of development, the applicant shall submit detailed plans and elevation drawings to the Planning Authority for written agreement showing the provision of adequate space and correctly designed cycle parking facilities to requirements of Section 12 of the 2022-2028 Dun Laoghaire-Rathdown County Development Plan and Standards for Cycle Parking and associated Cycling Facilities for New Developments January 2018 document([http://www.dlrcoco.ie/sites/default/files/atoms/files/dlr\\_cycle\\_parking\\_standards\\_0.pdf](http://www.dlrcoco.ie/sites/default/files/atoms/files/dlr_cycle_parking_standards_0.pdf)).

### **Taken in Charge Standards**

The Applicant shall show on detailed drawings all proposed areas to be taken in charge clearly identified. To facilitate enforcement and for clarity, the taken-in-charge areas should respect a clear boundary, either incorporate a delineated line such as building lines, change in materials, and if they include or exclude planting areas.

The Applicant will be requested to submit detailed drawings which demonstrate any and all areas to be taken in charge by DLRCC. Drawings and details which demonstrate that all development works (i.e. proposed internal access roadway, footpaths, street lighting, etc) to be designed to meet Dún Laoghaire-Rathdown County Council's 'Taking In Charge Policy Document (April 2016)': <http://www.dlrcoco.ie/en/planning/building-control/taking-charge> and 'Taking in Charge Procedure Document' and all to the satisfaction of the Planning Authority (Municipal Services Department) at the Applicant's own expense.

For 'Taking-in-Charge' standards to meet a 40-year design life a minimum of 200mm depth of flexible road surfacing is required for carriageway construction within all shared private and public space. The following minimum road construction surfacing depths are required: (a) The following minimum road construction surfacing depths are required: 40mm Clause 942, surface course; 60mm Clause 906, binder course; 100mm, base course macadam; minimum 150mm Clause 804. (b) The Applicant shall show that concrete kerbs are provided at either side of the internal access roadway within the proposed development and that these concrete kerbs shall be cast insitu to meet Dún Laoghaire-Rathdown County Council's Road Maintenance requirements. (c) The Applicant shall show that all the underground services are situated under impermeable pavement types with the required insitu concrete kerb restraints at either side of the said impermeable pavement.

### **Works to Third Party Lands**

The applicant shall show detailed drawings and schedule all proposed works to be carried out on lands belonging to 3<sup>rd</sup> parties. Associated letters of consent shall be referenced and submitted.

All works to be carried out on the public road (including on footpaths) shall be at the Applicant's expense to meet the Dun Laoghaire-Rathdown County Council's 'Taking-in-Charge' requirements and all to the satisfaction of the Planning Authority.

The Applicant shall ensure that prior to undertaking works to be carried out on the public road (including on footpaths) that they shall obtain a Road Opening Licence from the Road Maintenance and the Roads Control Sections.

### **Quality Audit**

Prior to commencement at the Applicant's expense a final Stage 2 (detailed design) and post construction (Stage 3) independent Quality Audit (which shall include a Road Safety Audit, Access Audit, Walking Audit and a Cycle Audit) shall be carried out for the development in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The Quality Audit team shall be approved by the Planning Authority (Transportation Planning Section) and all measures recommended by the Auditor shall be undertaken unless the Planning Authority approves any departure in writing. A feedback report shall also be submitted providing a response to each of the items.

### **Pay and Display**

Prior to commencement of the proposed works, the Applicant shall arrange (with DLRCC - Parking Control Section) for the removal/rescinding of 'Pay and Display' parking bays (or part of) on The Hill as a result of the proposed *development works*. Please note that these works shall be arranged at the Applicant's own expense and in accordance with the terms and conditions of the Planning Authority (Municipal Services Department).

### **Travel Plan**

The Applicant/Developer shall ensure by appropriate lease/contract clauses that all future management and occupiers of the proposed developments (Student Accommodation and Residential Apartments) will be obliged to support implementation of measures in the Development Travel Plan (Mobility Management Plan) in accordance with Section 12 of the 2022-2028 Dun Laoghaire-Rathdown County Development Plan

The Applicant/Developer shall appoint prior to commencement of development a Travel Plan Manager (Mobility Manager) to promote and implement Travel Plan Measures and encourage more sustainable modes of transportation.

The Travel Plan Manager (Mobility Manager) shall provide an annual report to the Planning Authority for a period of 5 years showing what soft and hard measures have been implemented to promote an increased use of sustainable travel modes to access the development. This annual report should include results of an annual travel survey showing the number and percentage of people accessing the Student Residences, Retail Units, Community Sports Hall and Residential Apartments by each travel mode (walking, cycling, public transport, car share, other).

### **Construction Management Plan**

The Applicant shall ensure that the selected contractor implements the general measures and actions indicating in the submitted Outline Construction Management Plan and

submits, a minimum of 2 months prior to commencement of demolition/construction, for the written approval of the Planning Authority (Transportation Planning), a detailed site-specific Construction Management Plan, which shall be considered a live dynamic document which may require amendment, subject to the agreement of DLRCC Municipal Services Department (Traffic Section & Roads Maintenance/Roads Control), to take account of changeable site/construction circumstances. The detailed site-specific Construction Management Plan shall include measures dealing with:

- a. How it is intended to avoid conflict between construction traffic/activities and traffic/road users, particularly pedestrians and cyclists, on public roads with site accesses and site perimeter public roads, during construction works.
- b. Full and comprehensive Traffic Management Plan, produced by a competent designer in accordance with Chapter 8 of the Traffic Signs Manual, including construction vehicular access to site in particular, to avoid conflict between construction traffic/activities and traffic/road users, particularly pedestrians and cyclists, on public roads with site accesses and site perimeter public roads and the surrounding public road network, during construction works.
- c. An access route to site for construction traffic/vehicles to be agreed with DLRCC Traffic Section, Municipal Services Department.
- d. How/where it is intended to provide a site compound including materials storage and staff welfare facilities.
- e) How it is intended to provide for site delivery vehicles manoeuvres, in that vehicles should enter and exit the site/compound/materials storage area in a forward gear.
- f) Where it is intended to provide for site staff car parking during construction in that it is not acceptable to have long term site staff car parking on the nearby public road network.
- g) How it is intended to provide suitable facilities for vehicle cleansing and wheel washing on site.
- h) Proposed measures to minimise/eliminate nuisance caused by noise and dust, proposed working hours and measures to minimise/prevent transfer of dirt to the public road with associated measures to clean the public roads / gully's etc in the vicinity of the site and continuing replacement of roads line markings resulting therefrom.
- i) A procedure for dealing with complaints from third parties arising from the construction process.

**17<sup>th</sup> May 2022**

**Thiago Bodini**

**Executive Engineer**

## CONSERVATION DIVISION

**Date:** 06/05/2022

**Planning Ref:** ABP31322022 Old Dundrum Shopping Centre and Other Properties, Main Street, Dundrum, Dublin 14

### **Proposed Development**

The development will consist of 884 no residential units, foodstore, retail/commercial units and a creche comprising 11no. urban blocks ranging in height from 2-16 storeys across four zones.

### **Site Location**

The subject site comprises the grounds of the Old Dundrum Shopping Centre and adjoins the Holy Cross Church and Parochial House, both of which are designated Protected Structures in the Dún Laoghaire-Rathdown Development Plan 2028-2028, RPS No. 1129 & 2095, and is partially located within Dundrum Architectural Conservation Area (ACA); designated as part of the recently adopted County Development Plan.

### **Relevant County Development Plan Policies**

As the development site adjoins a number of Protected Structures and is located within an ACA, regard should be had to the relevant provisions of the County Development Plan 2022-2028, including:

#### **Chapter 11: Heritage & Conservation**

Policy Objective HER8: Work to a Protected Structures, where it is Council policy to: (ii) "Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to "Architectural Heritage Protection Guidelines for Planning Authorities"

Policy Objective HER13: Architectural Conservation Areas where it is policy to

- I. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA). Please refer to Appendix 4 for a full list of ACAs.
- II. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
- III. Ensure that any new development or alteration of a building within an ACA or immediately adjoining an ACA is appropriate in terms of the proposed design, including scale, height, mass, density, building lines and materials.

- IV. Seek a high quality, sensitive design for any new development(s) that are complementary and/or sympathetic to their context and scale whilst simultaneously encouraging contemporary design which is in harmony with the area. Direction can also be taken from using traditional forms that are then expressed in a contemporary manner rather than a replica of a historic building style.

#### Policy Objective HER14: Demolition within an ACA

It is a Policy Objective to prohibit the demolition of a structure(s) that positively contributes to the character of the ACA. Any such proposals will be required to demonstrate that the existing building is incapable of viable repair and reuse and should be accompanied by an Architectural Heritage Impact Assessment, photographic survey and condition report.

#### Chapter 12: Section 12.11.4 New Development within an ACA

A sensitive design approach is required for any development proposals in order to respect the established character and urban morphology. Where development is appropriate, the Planning Authority are supportive of contemporary design that is complementary and sympathetic to the surrounding context and scale. All planning applications for development within an ACA shall have regard to the following criteria:

- Demolition of structures that contribute to the streetscape character will not normally be permitted. Where demolition is proposed a key consideration is the quality of any replacement structure and whether it enhances/contributes to the ACA.
- Where proposals include modifications and/ or alterations, extensions, or roof alterations affecting structures within an ACA, these should be sensitively designed and sited appropriately, generally subsidiary to the main structure, and not constitute a visually obtrusive or dominant form of development, which would be detrimental to the character of either the structure, or its setting and context, within the ACA.
- When considering development of a site within an ACA (including backland sites), proposals should be sympathetic to the existing character of the area and reflect or refer to the established environment in terms of design, massing, scale, established plot layouts and their relationship to historic streetscape pattern.
- Where development proposals seek to amalgamate one or more sites, the scheme will be required to demonstrate sensitive planning and design treatment. The onus will be on the applicant to demonstrate that the special character of the ACA will not be adversely affected.

- The Council will seek to encourage the retention of original features where appropriate, including windows, doors, renders, roof coverings, and other significant features of buildings and structures or otherwise whilst simultaneously encouraging a continued diversity of sensitively scaled contemporary and energy efficient designs.
- Ensure that any proposed advertising material/ signage is of high quality and visually responds to the existing character of the ACA.

In some instances, development adjacent or immediately outside the boundary of an ACA may also have an impact of their setting and context. An assessment of the impact on the character and appearance of the area may be required.

**SLO 9** To ensure that any future redevelopment of the old shopping centre lands, and adjoining /nearby properties on Main Street, take cognisance of the character and streetscape of the Old Main Street, and maintain where appropriate, and possible existing buildings and/or facades. Building Heights alongside Main Street must be sensitive to the original streetscape, in keeping with its character, scale and Architectural Conservation Area status.

#### **Pre-planning Consultation**

There were extensive pre-planning discussions submitted under PAC/SHD/146/21 and a report was issued by the A/Conservation Officer as part of the Planning Authority's Report to An Bord Pleanála pursuant to Section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and the Planning and Development (Strategic Housing Development) Regulations 2017 (ABP-302632-18) in preparation of a tri-partite meeting held at the offices of An Bord Pleanála on the 17<sup>th</sup> December 2021.

#### **Dundrum ACA**

The recently adopted Dún Laoghaire-Rathdown Development Plan 2028-2028 includes a newly designated ACA for Dundrum Village. The designation of the ACA acknowledges the special architectural interest owing to:

- a streetscape composed of continuous frontages of largely two-storey buildings, well-proportioned relationship between the building and street.
- the quality of the buildings, comprising an eclectic mix of architectural heritage ranging in style, heights and materiality.
- the high degree of survival of the original character of the individual buildings and the townscape character/morphology.

### Impact of New Development:

- The designation of the ACA in the new County Development Plan limits the scale, height and massing that would be appropriate in order to retain the existing character of Dundrum Village. The current scheme before An Bord Pleanála comprises 11no. urban blocks ranging in height from 2-16 storeys. The predominantly four to five storey blocks proposed along Main Street, are considered out-of-keeping with the existing urban grain and morphology. This is evident from the various Views contained in Appendix 14A- Landscape and Visual Assessment, which gives an indication of how the proposed blocks will overwhelm the existing streetscape. The proximity and 5-storey height of Blocks 4B and 3C, and the Blocks to the rear (overlooking Dundrum Bypass) would have an overbearing impact on Glenville Terrace and dwarf the domestic scale architecture as shown in Views 8C to 8e. The Church and Parochial House are both Protected Structures and are key landmark buildings on Dundrum's Main Street. The proposed development will denigrate the prominence of these structures as illustrated in the CGI from Dom Marmion Bridge on p.131 of the Design Statement.
- It is the opinion of the Conservation Division that the proposed development by reason of its height, scale and massing fails to take cognisance of the character of Main Street which has been designated an ACA. The proposed residential blocks are not deemed appropriate or acceptable within this context and would be insensitive and out of character with Dundrum ACA.
- Glenville Terrace is addressed in Section 05:Strategy for retaining 1-3 Glenville Terrace of the 'Design Statement'. The proposal is to bring this terrace, which has been vacant for more than 15 years, back in to use which we acknowledge is a conservation gain. The proposals include repairs to roofs, stacks, etc. while the retention of railings to the front will have a significant positive impact on the character of the terrace and the ACA. The Design Statement states that in order to bring the buildings back in to use the internal spaces will need to be enlarged and changed. The extent of works is unclear at present, however, they claim they will follow the principles that the applicant has successfully applied with the refurbishment, conservation and extension of 1-5 Ashgrove Terrace. Any works to these structures should be in line with CDP Policy and it is recommended that a Historic Building



Appraisal be provided for this group of buildings to identify what features remain and to allow an understanding of the heritage interest of these buildings and an assessment of the impact of the proposed alterations.

- **Demolition of Buildings on Main Street to the South and North of Glenville Terrace**

It is proposed to demolish all existing structures on the site; with the exception of Nos. 1 -3 Glenville Terrace.

Some of these structures such as the Former Post Office (Joe Daly Cycles), 4 Glenville Terrace, 13 and 13A Main Street, are considered to contribute to the overall character of Main Street. The Dundrum ACA Character Appraisal describes the character of the Former Joe Daly Cycles, as a pleasantly proportioned 2-storey structure which retains much of its architectural form and composition and its presence enhances the special character and appearance of the ACA. This view is supported by the findings in Table 13.8 Assessment of the Significance for Buildings on the Proposed Site in Chapter 13 of the EIAR which describes this building as being of architectural, social and artistic interest and considered to be of local importance due to the architectural and streetscape values. No.4 Glenville Terrace is described in the EIAR as being of some architectural interest and of local importance with regard, to its contribution to the streetscape Dundrum Main Street. Similarly, Nos. 13 and 13a are described as being of some architectural interest due to the design, proportion, and detailing of the front elevation. The demolition of these structures which are acknowledged to be of architectural interest and contribute to the streetscape of Dundrum Main Street, does not accord with Policy Objective HER14:Demolition within an ACA, which seeks to prohibit the demolition of a structure(s) that positively contributes to the character of the ACA. As per Section 12.11.4 of the County Development Plan, a further consideration for new development within an ACA, is whether the replacement structure enhances or contributes to the ACA. In this particular case, the replacement large scale residential blocks are not considered to enhance the ACA. It our view that these mid-19<sup>th</sup> century structures should be retained and repurposed in line with the proposals for Nos. 1 - 3 Glenville Terrace.

In conclusion, it is our opinion that the proposed development fails to comply with the Dún Laoghaire-Rathdown Development Plan 2028-2028 SLO 9, Policy Objective HER13: Architectural Conservation Areas, Policy Objective HER14: Demolition within an ACA, Section 12.11.4 New Development within an ACA, which seeks to ensure that proposals be sympathetic to the

existing character of the area and reflect or refer to the established environment in terms of design, massing, scale, established plot layouts and their relationship to historic streetscape pattern.

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Julie Craig  
A/Conservation Officer  
6<sup>th</sup> May 2022

## PARKS DIVISION

**From:** Lorraine O'Hara Parks Superintendent  
**To:** Planning Department  
**F.A.O:** Miguel Sarabia  
**Date:** 27<sup>th</sup> May 2022

Ref. ABP-31322022 site (3.5335ha) incorporating the old Dundrum Shopping Centre known as Dundrum Village Centre (D14K3T7) and adjacent properties to the west of Main Street, Dundrum. The development will consist of a total gross Application Form in respect of Strategic Housing Development Revised 5th Sept 2018 Page 9 of 31 floor area (gfa) of 88,442.0sqm comprising 881 apartments and ancillary accommodation totalling 83,983.3sqm GFA and 4,458.7sqm of non-residential uses.

Having reviewed the application Parks & Landscape services have the following observations and comments:

### Part 1. Quantitative Assessment:

#### Apartment Development Open Space:

Under Sustainable Urban Housing:

Design Standards for New Apartments

No. of Beds	Sq. M – PublicOpen Space <sup>3</sup>		Open Space Required Sq.M
Studio	4	1	4
1 Bed	5	335	1675
2 Beds (3 persons)	6	84	504
2 Beds (4 persons)	7	379	2653
3 Beds	9	82	738
<b>Total Open Space Required</b>		881	<b>5574 Sq.M</b>

#### Minimum Open Space Requirements:

The Planning Authority shall require an absolute default minimum of 15% of the overall site area for all residential developments to be reserved for use as Public Open and/or Communal Space irrespective of the occupancy parameters set out:

**Overall Site Area:** \_\_\_3 ha net area\_\_\_ **15% of Overall Site:** \_\_\_\_\_4500sqm\_\_\_\_\_

Public and/or Communal Open Space **provided** on Site:

Communal Open Space: 5739 sqm (All on Podium or Roof level)

Public Open Space: According to Landscape Design Statement Usuable open space is 5326sqm. However, this calculation has included areas which would be considered transitional space example along the main NS route through the site, the lanes either side of Glenville Terrace, the connection from main street to Sweetmount park, etc. There is also bike parking included in the open space calculations throughout the site. The public open space calculation is being overly generous and should be recalculated.

All Communal open space is on podium or roof level which does not meet the requirements of the CDP 2022-2028 12.8.5.4 where apartment schemes more than 50 units should provide no more than 30% of communal open space as roof garden.

**MINIMUM OPEN SPACE REQUIREMENT MET: Yes / No**

Financial Contribution in Lieu of Open Space:

The applicant has not included enough provision for public open space in the proposed development. Therefore, the applicant shall make a payment of €2000.00 per dwelling as a Special Levy (in accordance with See table 12.8 under Section 12.8.3.1 Dlr CDP 2022-2028), in addition to the Development Levy Contribution as a special contribution, as per Section 48.2(c) of the Planning & Development Act, 2000. The Special Levy shall be lieu of the provision of public open space. This levy is to cover specific exceptional costs in respect of the provision of open space and landscaping works which benefit the proposed development. The contribution will be used to fund improvements to the existing, open spaces at Sweetmount Park, Ballawley and /or Deerpark.

**Reason:** to ensure that the permitted development, its prospective residents, and the public are provided with and served by quality public open space within a reasonable distance thereof, and in accordance with (See table 12.8 under Section 12.8.3.1 Dlr CDP 2022-2028)

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## Part 2: Qualitative Assessment

Having reviewed

### LANDSCAPE DESIGN & PLACEMAKING

The width of the public open spaces between buildings varies from approx. 13.8 to 16.5m<sup>1</sup> in places which seem out of proportion to the scale of the buildings, the buildings could have an overbearing impact from within these open spaces. Public open spaces are between gable ends of buildings, where separation distances can be lower, however for good quality open space

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<sup>1</sup> This refers to Public Open Space Between Buildings. Usher Place is the exception its width varies from 13.8m on Dundrum main street to 14.2m then eventually widens out to 28m at the Bypass side.

amongst taller buildings the argument would be that required setbacks should be greater than required building separations to achieve better amenity outcomes.

Opening up Sweetmount Park with the bridge is essential in terms of connecting any proposed development to the wider area, it would help mitigate the negative effect the bypass created by dividing Sweetmount /library area from Dundrum village. Apartment residents have a greater need to access good public open space. However, it would be the Park depts. opinion, that prior to any proposed development, the area in general lacked in provision of public open space. Sweetmount park has been a very local passive open space to date. This connection would transform this open space to one of high usage, but it has little infrastructure to cater for an influx in population.

It would be beneficial to see the bridge be of a more green and sustainable design, if possible, it should make a positive impact on the environment, as well as the community surrounding it and the people who experience it, ideally becoming an extension of the open space rather than just a link from one side of a road to another.

Houses 2-30 Sweetmount Ave will have some light impacts, this will also impact on Sweetmount Park given its gradient and closer proximity to the proposed development. The public open spaces between buildings appear to be shaded for the majority of the day.

If planning permission is approved, protection of ground conditions and of any pre-existing infrastructure in Sweetmount Park must be in place from construction impacts including compaction, damage to paths, railings, or gates and all should be reinstated prior to project completion to the satisfaction of the Parks department.

Church Square is the most substantial area of Public Open Space provided. There are issues with the 3.5m level difference from the Bridge at Ballinteer Road and the steep gradient of the ramped access from Main Street. This open space adds little benefit to the overall town center, street scape and visual enhancement due to its hidden location. There is substantial hard landscaping throughout. There is only stepped access to the Dundrum Bypass.

This would have been an excellent opportunity to include more street tree planting along the Dundrum main street which could act as a buffer to traffic noise / pollution and enhance place. As nearly all trees are podium planted it would also allow for some deep soil planting of trees and therefore longevity if established well.

It is still of Parks opinion that the verges between the proposed developments access road, and Dundrum Bypass are not substantially planted to mitigate the expanse of road that the pedestrian bridge will traverse or Sweetmount Park users will look over. Single line tree planting along this verge will not suffice.

Conditions of approval would include the following:

The landscape contract shall include a post- Practical Completion Certificate (signed by the landscape consultant) and a Defects Liability Clause of 18 months minimum rather than 12. Use of chemical herbicides is not recommended or advised for maintenance operations especially in Dlr Co. Co. lands. Proximity to the nearby streams, waterways, groundwater

sources and drainage connection points within the area may be vulnerable. It is essential Irish National Action Plan for the Sustainable Use of Pesticides (Plant Protection Products) Feb 2019 is followed. Organic and cultural alternatives should be prioritized to promote and encourage soil biodiversity.

Landscape works on site should include a Quality Audit during construction agreed with Dun Laoghaire Rathdown Co. Council to provide evidence to verify during installation works that the landscape specification is adhering to the Landscape standards required

#### Landscape Consultant

Prior to the commencement of development, the developer shall retain the professional services of a qualified and registered or chartered Landscape Architect, as Landscape Consultant for the full duration of the development works(which shall include photographic site evidence before works commence, landscape installation works and post installation to ensure it meets the design standards proposed); and shall notify, in writing, the planning authority of that appointment, including the agreed consultant's brief, prior to commencement. That brief shall engage the Landscape Consultant to procure, oversee and supervise the Landscape Contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and fully completed to the satisfaction of the Landscape Consultant, he/she shall sign and submit a Practical Completion Certificate to Dlr Parks and Landscape Services, as verification that all specified landscape works have been fully implemented, including resolution of any snags.

**Reason:** To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

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#### TREES AND HEDGES: Arboricultural Consultant/Tree Bond / Arboricultural Agreement / Arborist's Certificate

1. If a bridged connection to Sweetmount Park is provided under an approved application. Trees within the park within 15m of the construction site or any access route will need sufficient protection including fencing all in accordance with, BS 5837:2012.
2. Schedule of works; to retained trees should be completed and tree protection measures installed before clearance, enabling or construction works on site begin. All works should be in accordance with BS 3998:2010.
3. The Arboricultural Consultant shall be directly involved in on-going reviews of layouts with the applicant's architectural, planning, landscape, and engineering consultants, as an authentic multi-disciplinary approach throughout the project and construction.



4. Tree Protection Plan and any mitigation measures as advised by the arborist consultant and Arboricultural Method statement shall be carried out: Tree Protection Plan shall show alignments of Tree Protection Fencing and areas to be excluded from construction activities, compound(s), site office(s), plant, equipment and materials storage. The Plan shall also show the proposed locations and alignment for all overhead and underground engineering services and utilities, in accordance with the engineering drawings.
5. Arboricultural Method Statement should show clear and practically achievable measures to be used during the construction period, for the protection and management of all trees and hedges that are to be retained, as shown in the Tree Protection Plan.

#### Arboricultural Consultant, Protective Fencing/Notice and Prior Notification

1. Prior to the commencement of development, the developer shall appoint a qualified arborist as an Arboricultural Consultant for the entire period of construction. The applicant shall inform the planning authority in writing of the appointment and name of the Consultant and their brief, prior to any mobilisation of plant, machinery or construction equipment. The Consultant's brief shall be as follows: -The developer shall implement all the recommendations for Tree Retention, Tree Protection and Tree Works, as detailed in the Arboricultural Method Statement and Tree Protection Plan; and so, instruct his/her contractors.
2. Prior to the commencement of development, and or any Site Clearance operations, the applicant shall erect Protective Fencing around all retained trees, as shown on the Tree Protection Plan, and in accordance with Figs, 2 or 3 of BS 5837: 2012, or as agreed with Dlr Parks+Landscape Services. Notices shall be fixed to the fencing, stating that the trees within the fence area are protected within the fence exclusion zone. There shall be no incursions of machinery or storage of materials, equipment, spoil or soils within the fenced zone, unless by prior written agreement with Dlr Parks+Landscape Services.
3. The Arboricultural Consultant shall certify, in writing, to the Planning Authority when s/he is satisfied that all Protective Fencing is fully erected, and that the notices are attached thereto, and that s/he has given a Toolbox Talk to the contractor's supervisory staff regarding Tree Protection measures.
4. Site Visits: The Arboricultural Consultant shall inspect the site at a minimum of monthly intervals, to ensure full implementation of the Method Statement and Protection Plan, and to make any necessary adjustments thereto, in the light of on-going assessments during construction.
5. All Tree Works (felling, removal, surgery, etc.) recommended in the original Tree Report shall be undertaken by a suitably qualified and insured Tree Surgeon, in accordance with British Standard BS 3998:1989 Recommendations for tree work and with current Health and Safety requirements. If the recommendations for Tree Works are more than 12 months old, at commencement stage, the Arboricultural Consultant shall review and update (as necessary), the original recommended Works, and submit an updated report to and for the agreement of the Planning Authority. All Tree Works shall be completed before occupation of any dwellings.
6. At Practical Completion of the development, the Consultant shall carry out a *Post-construction Arboricultural Assessment* of all retained trees, making recommendations



for any necessary and additional Tree Works. The Consultant shall submit to Dlr Parks and Landscape Services - for its consideration - a signed Arboricultural Completion Certificate stating that all Tree Works were satisfactorily completed in accordance with his/her recommendations, including any additional items arising from the Post-construction Assessment.

**Reason:** To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development, and to verify that protection measures are in place.

Site Clearance – Trees, Hedges: Prior Notification Restrictions on Hedge cutting and Tree removal.

1. Vegetation clearance including scrub and tree removal shall take place outside the bird breeding season (March 1st – August 31st), As per section 40 of the Wildlife Act 1976, as amended by Section 46 of the Wildlife (Amendment) Act 2000 unless a derogation licence is held, a copy of the derogation licence should be submitted to the Parks Dept for the attention of the undersigned. Consultation with the National Parks & Wildlife Service is therefore highly recommended. The intention to or the submission of a planning application does not supersede any requirements around tree felling under the Forestry Act.

**Reason:** To protect birds and bird breeding habitats during the nesting season.

Tree Bond and Arboricultural Agreement

1. Prior to the commencement of development and related tree felling and construction activities, the applicant shall lodge a Tree Bond with the Planning Authority, as security for tree protection and a deterrent to wilful or accidental damages during construction. The Bond shall be based on a notional estimate of the combined value - amenity and ecosystems services - of retained trees; and taking account of the percentage tree loss(-es) due to direct impacts on healthy trees. The minimum value of the Tree Bond shall be €25,000.
2. Lodgement of the Bond shall be part of an Arboricultural Agreement signed by the developer, empowering the planning authority to apply the Tree Bond, or part thereof, for satisfactory protection of all retained trees on and immediately-adjointing the subject site, or the appropriate and adequate replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of 2-years from the substantial Practical Completion of the development. Sequestration of all or part of the bond shall be based on an estimate of the total costs of appropriate, compensatory tree planting at semi-mature sizes. Replacement planting shall be of the same or similar species/varieties as those lost, or as may be specified by Dlr Parks & Landscape Services.

3. Bond Release: 24 months – inclusive of at least two growing seasons (May – Sept.) - after Practical Completion of the permitted development, the developer shall submit to Dlr Parks and Landscape Services, an Arboricultural Assessment Report prepared by a qualified arborist. Any remedial surgery or other tree works recommended in that Report shall be undertaken by the developer at his/her expense, under the supervision of a qualified arborist. The Tree Bond shall not be released unless and until an Arboricultural Certificate - signed by a qualified arborist, stating that all tree works have been fully undertaken, trees on site alive and in good condition with useful life expectancy - has been submitted to and agreed with Dlr Parks+Landscape Services.
4. The Project Arboriculturist shall be engaged to carry out site inspections for the duration of the works, at intervals agreed with the Local Planning Authority (LPA) (note: no more than 31 days shall elapse between site inspections) and in accordance with the Tree Protection Monitoring Schedule, in order to ensure compliance with the Arboricultural Method Statement and any planning conditions pertaining to tree issues.
5. Subsequent to each site inspection the Project Arboriculturist shall complete a monitoring report detailing any problems encountered and breaches of the agreed working methods or tree related planning conditions, and any measures required to rectify such problems or breaches. The report shall be forwarded to the LPA's Parks Enforcement Officer, the building contractor/site manager, and the client or client's agent, by email within 3-5days.
6. The Project Arboriculturist shall report any tree related issues and/or breaches of the Arboricultural Method Statement that they consider to be significant in relation to retained tree health and/or structural stability directly to the Tree Officer.
7. Any works within a retained trees RPA must be under the agreement and monitoring of the Project Arborist. Any tree stumps removed within a retained trees RPA must not be removed by excavator but be mechanically ground down. No storage of equipment or materials within the trees RPA, no cables, notices, or other items to be strung up on retained trees.

**Reason:** to provide security for the protection and long-term viability of trees to be retained on the site and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

Financial Contribution toward costs of Replacing Street Trees

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## OPEN SPACE PROVISION (QUANTITY | -QUALITY | -ACCESSIBILITY)

1. Prior to the commencement of development, all public and communal open spaces shall be fully fenced-off with durable, robust fencing, for the duration of construction works relating to the permitted residential units, infrastructure, utilities and ancillaries. The details and exact location of this fencing shall be agreed with Dlr Parks and Landscape Services, prior to commencement. Storage of plant, equipment, construction materials, soil, spoil or debris is not permitted within the fenced off area, unless permitted - and

in compliance with any conditions so permitting - by the prior written consent of Dlr Parks and Landscape Services.

2. Upon completion of the development all open spaces within the site should be retained in private ownership and maintained by a properly constituted management company to which membership shall be compulsory for all residents.

**Reason:** to ensure that areas of planned open space are fully protected during construction activity.

**Reason:** to protect the integrity of the public open space, maximise its usability and usefulness for passive and active recreation (e.g. kick-a-bout space for children), and to maximise the space available for new planting, especially of trees

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#### PLAY PROVISION AND EQUIPMENT

1. All play equipment and ancillaries shall conform to European Standards EN 1176-1-11 and EN 1177 Playground equipment and surfacing, and to BS/EN standards 2017/18 for Playground Installations for HIC (Head Injury Criterion) and CFH (Critical Fall Height)
2. At Practical Completion, the developer shall submit to Dlr Parks and Landscape Services, a post-installation surface testing and equipment testing Practical Completion Certificate, in accordance with the requirements and guidelines of the Royal Society for the Prevention of Accidents (RoSPA). The Certificate shall be prepared and signed by a suitably qualified (RoSPA-approved), technical professional with expertise and experience in playground design and playground health and safety.

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#### GREEN ROOFS COMPLIANCE with DLR Green Roofs Guidance

1. The provision of green roofs within development shall not form part of the overall minimum open space provision.
  2. An Outline Specification for all materials (hard and soft), for workmanship and Maintenance (18 months minimum period) of the Green Roof.
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## **Community and Culture Department**

Please see below Community and Culture's response to the SHD application at the Old Dundrum Shopping Centre

"The notification on the SHD application at the Old Dundrum Shopping Centre is acknowledged. In particular, I want to focus on Chapter 9 in the Design Statement "People – Amenity and Community"

The Dundrum Community Cultural and Civic Action Plan is an evidence based and looks at the under supply of community facilities within the Dundrum area. The importance of community facilities within the Action Plan is highlighted and the important role these facilities play in bringing people together, building community spirit and in supporting social networks. They are essential for wellbeing and inclusion and help communities develop skills and resilience. All of these elements are essential in building sustainable and strong communities. Community facilities are essentially public buildings and it is noted that although this plan provides for a significant growth in population, there are no community facilities identified in this application. Provision of community facilities and their role in community development is consistent with the County Development Plan and Local Economic and Community Development Plan 2016-2021 as well as national and regional policy.

The plan identified an undersupply of community facilities within the Dundrum Area. As this SHD provides for significant population growth in an area where there are gaps and an undersupply of these facilities, this is a missed opportunity and should be addressed within this SHD application.

The County Development Plan 2022-2028 talks about embedding the concept of neighbourhood planning into the spatial planning of the County and articulates that residential development is delivered in tandem with enabling neighbourhood infrastructure. This not addressed in the current application.

Regards

Therese Langan  
Director of Community and Cultural Development

**ARCHITECTS DEPARTMENT**  
**COMMENTS ON PLANNING APPLICATION**



<b>Planning Register Reference:</b> ABP 313220/22	<b>Address:</b> Main Street, Dundrum, Dublin 14.
Report of May 2022	
<b>Development:</b> Dundrum Village Strategic Housing Development, Main Street, Dundrum, Dublin 14.	

We have reviewed the application referred to above and wish to make the following comments in connection with the applicant's proposal.

**Building Design to Main Street, east side of development:**

The design statement references the urban grain of Dundrum's Main Street. It would be our opinion that the development proposed along Main Street does not respond to or reflect the urban grain of Main Street.

The lack of modulation in the blocks, the flatness of the elevations, lack of smaller scaled detailing and the large scale of the horizontal plinth like base detail results in the creation of four large scale blocks. We feel that the massing of these blocks does not acknowledge the existing urban pattern, would dominate Main Street and its existing buildings and would completely change the character of the receiving environment.

We feel the lack of modulation in the roof lines and the consistent 5 storey building height along Main Street is excessive for this environment. The design statement's height strategy sets out an aim of developing blocks along Main Street of a similar height to the existing. Similar height is defined as 1-2 storeys above existing. The predominant existing building height along this part of Main Street is 2 storeys.

We would have concerns that the largescale shop front openings all set within a continuous plinth like base would not deliver a varied or pedestrian scaled streetscape. We feel the proposed ground level frontages and darker brick plinth could appear generic and would not contribute to the finer grain of the existing shop fronts as acknowledged in the design statement.

Although breaks are proposed between the blocks, the verified views suggest that when viewed along the street the homogenous nature of the blocks produces the effect of a monolithic face to the new development which overwhelms the existing streetscape.

**Building Design, West side of development.**

We would have a number of concerns regarding the presentation of the development to the western boundary and the bypass.

Although a new pedestrian bridge is proposed it would be our opinion that the size and scale of the proposed development and the nature of the impermeable podium along the western edge of the site would further increase rather than mitigate the sense of severance between Dundrum, Main Street and the residential hinterland to the west.



Although it is proposed to create breaks between the blocks and setback features within the blocks, we feel that the proportion of solid buildings to voids and the scale and massing of the proposed blocks will lead to a monolithic wall to the western side of the development. The visual effect of the breaks and setbacks will be lost when the development is viewed at an angle or when moving past the development.

We would believe that the quantity and the large-scale nature of the slab blocks running continuously along the western boundary will have an imposing impact on the Sweetmount area, will dominate the approach to the village from the north and the west and will dominate all views towards the development from the west.

#### Point Block

The development proposes to deliver a point block, marker building at the north end of the site. We would feel that the proportions of the proposed block and the fact that block 1A is embedded within the adjoining blocks would not deliver a distinctive landmark building as envisioned by the design statement. We would not consider that Block 1a is a single outstanding building which is significantly taller or of a more notable design than its neighbours.

We feel the transition from point block to Main Street has not been fully resolved. The proximity of the 13-storey transitional wing to Main Street is inappropriate for the Main Street environment. The presence of the point block and the 13-storey transitional block in their present form would negatively dominate the north end of Main Street and would dominate all views north along Main Street.

#### Hierarchy of Public Spaces

Several circulation routes are proposed through the development. With the exception of the east-west route to the proposed bridge linking Main Street to Sweetmount these routes mainly serve the residential blocks and in the hierarchy of spaces around the development we would feel they are secondary to Main Street. It would be our opinion that allowing the surface treatments of these internal routes to encroach out onto Main Street confuses this hierarchy and projects on to these internal links an importance which is not appropriate.

In the interest of maintaining a cohesive appearance to the public realm along Main Street any upgrades of the footpath finishes, public lighting or street furniture must be agreed with the Local Authority to ensure a consistent appearance of the public realm throughout the village.

#### Sweetmount Place.

A series of landscaped open spaces are proposed along Main Street. As Sweetmount Place is the junction of Main Street and the proposed east-west pedestrian and cycle route we would consider it a significant nodal point along Main Street which should be clearly identifiable. We feel it should have a greater significance and be more distinctive than the other spaces proposed.

We would be concerned that the layout of the proposed landscaping of Sweetmount Place obscures the view of the bridge from Main Street and vice versa and reduces the legibility of this route.

#### Nature of the Public space, Church SQ

The development includes a proposal to provide a public open space called "Church Square" in the south west corner of the site. It would be our opinion that this would not be an appropriate setting/location for a public space. We would feel the ambitions to deliver a public space as described would be compromised by the restricted access, limited permeability and low levels of passive surveillance.

The space is bounded by only one truly activate building frontage. The other three sides are bounded by, the bypass and a service access route, a 5-meter-high wall to Ballinteer Road and the rear boundary of the church which will have limited activation. The secluded nature of the space, lack of passive surveillance and challenging access routes, particularly to the south end could lead to occurrences of anti-social behaviour and a feeling of insecurity within the space.

We would feel a successful public open space as described requires better connection with its surrounding and preferably Main Street, requires better accessibility and permeability and greater passive surveillance.

**Public realm, Foot path Build outs.**

The landscape proposal shows the inclusion into the scheme of the recently constructed footpath buildouts along Main Street and their transformation into large planted beds. We would note that these buildouts are subject to future change/modification/removal.

**Sweetmount Bridge.**

In order not to compete with the large Luas bridge the developer is proposing to construct a low-profile bridge with lighting incorporated into the handrails. We would have concerns about the pedestrian experience of crossing this bridge particularly during darker periods when only the bridge deck would be lit and persons using the bridge are reliant on lighting from road lighting columns on the bypass for higher eye level lighting.

If you have any queries in relation to the above comments, please don't hesitate to contact me.

Gary Loughlin  
Senior Executive Architect  
10<sup>th</sup> May 2022



